AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 83
4-28-78
PAGES
18157-18531

federal register

FRIDAY, APRIL 28, 1978



highlights

GUIDE TO FREEDOM OF INFORMATION INDEXES

The guide to agency Freedom of Information indexes which is published quarterly by the Office of the Federal Register will be carried in the quarterly FEDERAL REGISTER INDEXES, beginning January-March 1978. The FEDERAL REGISTER INDEX is included as part of the FEDERAL REGISTER subscription.

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

Reservations for May are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SUNSHINE ACT MEETINGS 18395

NUCLEAR MATERIAL
Executive order allowing for the export of special material to India 18157

NITRATES AND NITRITES
USDA/FSQS proposes amendments to Federal meat inspection requirements; comments by 6-27-78 18193

EQUITY SECURITIES
SEC amends rules and schedule governing disclosure of beneficial ownership and related information; effective 5-30-78 (Part III of this issue) 18484
SEC proposes to expand classes of persons required to disclose beneficial ownership and related information; comments by 6-30-78 (Part III of this issue) 18501

ATMOSPHERIC ARSENIC EXPOSURES
EPA makes available documents assessing public health consequences; comments on documents by 6-22-78 18246

HAZARDOUS WASTE
EPA issues proposed standards applicable to transporters of hazardous waste; comments by 6-27-78; hearing on 6-20-78 (Part IV of this issue) 18506

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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 - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	**202**–523–5022
Chicago, Ill	**312**–663–0884
Scheduling of documents for publication.	523–3187
Photo copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5237
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–3517
Code of Federal Regulations (CFR)	523–3419
	523–3517
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

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

PUBLIC LAWS:

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

HIGHLIGHTS—Continued

FEDERAL HOME LOAN BANK SYSTEM

FHLBB reduces liquidity requirement; effective 5–1–78 ..... **18163**

SUPPLEMENTAL SECURITY INCOME

HEW/SSA proposes to increase reasonable value of household goods, personal effects, and automobile; comments by 6–12–78 ..... **18206**

HEW/SSA proposes amendments concerning exclusion of receipts distributed to members of Indian tribes from consideration as income; comments by 5–30–78 ..... **18205**

HEW/SSA amends exceptions to requirement for advance notice before reduction, suspension, or termination of benefits; effective 7–27–78 ..... **18167**

PENSION AND WELFARE BENEFIT PROGRAMS

Labor and Treasury/IRS propose amendments to Prohibited Transaction Exemption 77–9 relating to transactions engaged in by employer benefit plans with insurance brokers, etc. and announces hearing on the proposal; comments by 5–31–78; hearing on 7–20–78 (2 documents) **18354**

Labor and Treasury/IRS postpone effective date of certain conditions contained in Prohibited Transaction Exemption 77–9; effective 1–1–79 ..... **18359**

MINIMUM WAGES

Labor/ESA issues general wage determination for Federal and federally assisted construction (Part II of this issue) **18442**

PUBLIC HEALTH GRANTS

HEW/PHS announces availability of several educational and program grants **18265**

DENTISTRY GRANTS

HEW/PHS proposes regulations to set forth requirements for grants for residency training in general practice; comments by 5–30–78 ..... **18217**

HEALTH PROFESSIONS LOANS

HEW/PHS updates "low-income levels" for loan repayment .. **18266**

DRUGS FOR HUMAN USE

HEW/FDA offers opportunity for hearing on less-than-effective indications for methylphenidate hydrochloride for oral use; hearing requests by 5–30–78 ..... **18256**

NEW ANIMAL DRUGS

HEW/FDA amends regulations to reflect change in generic drug name to conform with "USAN" (1977 Ed.); effective 4–28–78 ..... **18171**

HEW/FDA approves safe and effective use of levamisole resinate in the feed of swine tor treating nematode infections; effective 4–28–78 ..... **18171**

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Labor/ETA lists total allocations to prime sponsors for FY 1977 and FY 1978 ..... **18345**

POVERTY AND SCHOOL CRIME

HEW/Secy announces program results of "Theoretical Perspectives on Poverty and School Crime" **18267**

ANIMAL WELFARE

USDA/APHIS proposes to prevent showing, exhibiting, selling and auctioning of sore horses; comments by 5–30–78 (Part V of this issue) **18514**

THREATENED SPECIES

Interior/FWS amends regulations to further protect threatened species of wildlife; effective 4–28–78 ..... **18181**

FISHERY CONSERVATION AND MANAGEMENT

State issues list of 1978 foreign fishing allocations by nation; effective 1–1–78 ..... **18219**

FOREIGN FISHING

Commerce/NOAA announces policy regarding foreign vessel permit applications to receive U.S. harvested fish from vessels in FCZ; effective 4–28–78 18382

CONTROLLED SUBSTANCES

Justice/DEA exempts certain chemical preparations; effective 4–28–78 18172

OCCUPATIONAL EXPOSURE TO BENZENE

Labor/OSHA announces 5–23–78 hearing on liquid mixtures.. 18215

HYDROELECTRIC PROJECTS

DOE/FERC proposes to establish short-form license and simplified procedures for filing applications; comments by 5–23–78 18196

STATE WATER QUALITY STANDARDS

EPA issues list of state adoptions and Federal approvals..... 18175

FARM ACREAGE ALLOTMENTS

USDA/ASCS amends regulations governing reconstitution of farms and allotments; effective 4–28–78..... 18159

FLOOD-HAZARDOUS AREAS

FRS amends regulations governing loans by State member banks in special flood prone areas; effective 4–20–78 18161

HUD/FIA issues list of communities that have areas of special flood hazard 18268

DIAGNOSTIC RADIOLOGY FACILITIES

HEW/FDA proposes recommendation for quality assurance programs; comments by 10–25–78 18207

RAILROAD STATIONS

DOT/FRA issues proposed determination for improving facilities of which non-Federal parties must bear one half the cost; comments by 6–12–78..... 18394

LOANS TO INDIAN TRIBES

USDA/FmHA amends regulations to provide that the amount of loan funds used to acquire property not exceed its market value; effective 4–28–78 18160

PETITIONS FOR RULEMAKING

NRC proposes amendments to its "Rules of Practice" regarding filing and processing; comments by 6–12–78..... 18195

SELF-POLICING SYSTEMS

FMC determines whether a particular ratemaking agreement is not adequately self-policed; effective 7–1–78..... 18175

SULFUR-IN-FUEL-OIL

EPA proposes to continue temporary relaxation for certain sources in New Jersey; comments by 5–30–78 18216

ENTIRE EXECUTIVE CIVIL SERVICE

CSC establishes career-related work-study program to support Harry S Truman Scholarship Program; effective 4–28–78 18159

IMPORTED STEEL MILL PRODUCTS

Treasury/Secy announces trigger base prices and "extras" ... 18383

CARCINOGENS

HEW/FDA announces availability of working group report on FD&C Red No. 40 18258

TELEPHONE INDUSTRY

GSA seeks to intervene in FCC proceeding concerning inquiry into Primary Instrument concept; inquiries by 5–30–78 18252

RURAL DEVELOPMENT ACT

Labor/ETA lists organizations that have applied to Secretary of Agriculture for financial assistance; comments by 5–12–78. 18354

MEETINGS—

CRC: Connecticut Advisory Committee, 5–6–78..... 18231
South Dakota Advisory Committee, 5–12–78..... 18231
Commerce/NOAA: Gulf of Mexico Fishery Management Council, 5–18–78..... 18231
South Atlantic Fishery Management Council, 5–15 and 5–16–78..... 18232
DOD/AF: USAF Scientific Advisory Board Air Defense Subgroup of the Joint SAB/ASB Summer Study on Battlefield Systems Integration, 5–18 and 5–19–78 18232
USAF Scientific Advisory Board Electronic Warfare Subgroup of the Joint Scientific Advisory Board/Army Ad Hoc Committee on Battlefield Systems Integration, 5–17 and 5–18–78 18232
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 5–15–78 18252
HEW/ADAMHA: Clinical Psychopharmacology Research Review Committee, 6–1 and 6–2–78 18252
Mental Health Services Research Review Committee, 6–5 through 6–7–78..... 18255
NIH: Animal Resources Advisory Committee, 5–31 and 6–1–78..... 18260
Communicative Disorders Review Committee, 6–20–78 ... 18263
DES Task Force Committee, 5–8 and 6–9–78..... 18259
Maternal and Child Health Research Committee, 6–1 and 6–2–78..... 18262
National Advisory Eye Council, 6–5 through 6–7–78..... 18262
National Advisory Research Resources Council, 5–25 and 5–26–78..... 18260
National Cancer Institute advisory committee meetings, 6–8, 6–12 and 6–27 through 6–29–78..... 18262
National Cancer Institute Division of Cancer Treatment Cooperative Group Chairmen meeting, 6–20–78 18264
National Commission on Digestive Diseases, 5–22–78 18259
Neurological Disorders Program-Project Review A Committee, 6–15 through 6–17–78..... 18263
Neurological Disorders Program-Project Review B Committee, 6–15 through 6–17–78..... 18263
Research Grants Study Sections, May-June 1978..... 18260
Vision Research Program Committee, 6–22 and 6–23–78 18264
OE: National Advisory Council on Bilingual Education, 5–18 and 5–19–78 18264
National Advisory Council on Women's Educational Programs, 5–6 and 5–15–78 (2 documents) 18265
Interior/BLM: Montrose District Grazing Advisory Board, 6–6–78..... 18343
State: Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 5–18–78..... 18383

AMENDED MEETINGS

HEW/NIH: National Diabetes Advisory Board, Executive Committee, 5–10–78..... 18259

CHANGED MEETINGS—

Commerce/Secy: Task Force on Women Business Owners, 4–29–78..... 18232
HEW/ADAMHA: Neuropsychology Research Review Committee, 5–22 and 5–23–78 18256

SEPARATE PARTS OF THIS ISSUE

Parts II, Labor/ESA 18441
Part III, SEC..... 18483
Part IV, EPA 18505
Part V, USDA/APHIS 18513

contents

THE PRESIDENT

Executive Orders

Nuclear material, special; export to India 18157

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz. and Calif 18160

Proposed Rules

Avocados grown in So. Fla 18182
Dates (domestic) produced in Calif 18188
Limes grown in Fla 18182
Potato research and promotion plan:
Expenses and assessment rate 18193
Potatoes (Irish) grown in Southeastern States 18187

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules

Farms and allotments, reconstitution; marketing quotas and acreage allotments 18159

AGRICULTURE DEPARTMENT

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

AIR FORCE DEPARTMENT

Notices

Meetings:
Scientific Advisory Board (2 documents) 18232

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Meetings:
Advisory Committees; May 18255
Advisory Committees; June (2 documents) 18252, 18255

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Proposed Rules

Animal welfare:
Horse protection regulations 18514

CIVIL AERONAUTICS BOARD

Proposed Rules

Citizen of United States; corporations qualifying as; advance notice; extension of time 18196

Notices

Delta Air Lines, Inc., et al 18224
Local service class subsidy rate; investigation 18229
Northwest Alaska Service Investigation 18230
Southeast Alaska Service Investigation 18231
Hearings, etc.:
Dan-Air Services Ltd 18221
Hughes Air Corp. et al.; correction 18231
Kodiak-Western Alaska Airlines, Inc.; correction 18231

CIVIL RIGHTS COMMISSION

Notices

Meetings; State advisory committees:
Connecticut 18231
South Dakota 18231

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Entire executive civil service; Harry S. Truman Foundation Scholarship Program 18159

COMMERCE DEPARTMENT

See also Economic Development Administration; National Oceanic and Atmospheric Administration.

Notices

Meetings:
Women Business Owners Task Force 18232

DEFENSE DEPARTMENT

See Air Force Department.

DRUG ENFORCEMENT ADMINISTRATION

Rules

Schedules of controlled substances:
Exempt chemical preparations 18172

Notices

Registration applications, etc.; controlled substances:
Lax, Aaron, M.D 18345

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
Mayer, Rothkopf Industries, Inc., et al 18231

EDUCATION OFFICE

Notices

Bilingual Education National Advisory Council; hearings 18264
Meetings:
Women's Education Programs National Advisory Council (2 documents) 18265

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistant applications 18354
Unemployment compensation:
Fund allocations, titles II and VI of CETA, fiscal year 1977 and 1978 18345

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ala., Ariz., Fla., Idaho, Mass., Nev., Pa., and Va.) 18442

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission.

Notices

Carbon dioxide effects research and assessment; global carbon cycle and climate change; availability 18233
Powerplants burning natural gas or petroleum products, prohibition orders:
Avtex Fibers, Inc 18233
Scott Paper Co 18237

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans; approval and promulgation; various States, etc.:
California; correction 18175

Proposed Rules

Air quality implementation plans; approval and promulgation; various States, etc.:
New Jersey 18216
Waste management, solid:
Hazardous wastes, standards for transporters 18506

Notices

Air quality criteria; external review drafts; availability:
Arsenic 18246
Environmental impact statements; receipt 18247
Pesticide and food additive petitions:
Merck & Co., Inc., et al 18246
Water quality standards, State; adoptions and approvals 18247

CONTENTS

FARMERS HOME ADMINISTRATION

Rules

Association, community facility loans:
Indian tribes and tribal corporations 18160

FEDERAL ENERGY REGULATORY COMMISSION

Proposed Rules

Electric utilities, etc.:
Hydroelectric license, short form 18196

Notices

Meetings:
Gas Policy Advisory Council .. 18245
Natural gas companies:
Small producer certificates, applications 18244
Hearings, etc.:
Cliburn, James T 18245
East Tennessee Natural Gas Co 18245
Georgia Power Co 18245
Illinois Power Co 18245
Michigan Wisconsin Pipe Line Co. et al 18246

FEDERAL HOME LOAN BANK BOARD

Rules

Federal home loan bank system:
Liquidity requirement reduction 18163

FEDERAL INSURANCE ADMINISTRATION

Notices

Flood insurance, flood prone communities; prohibition of Federal assistance; list 18268

FEDERAL MARITIME COMMISSION

Rules

Self-policing rules 18175

Notices

Agreements filed, etc 18251

FEDERAL RAILROAD ADMINISTRATION

Notices

Hazardous materials emergency order:
New York, Susquehanna and Western Railroad Co 18396
Intercity passenger service:
Station program cost sharing determination 18394

FEDERAL RESERVE SYSTEM

Rules

Banking institutions, State; membership:
Loans by State member banks in special flood-hazardous areas 18161

Notices

Federal Open Market Committee:
Domestic policy directives 18251
Applications, etc.:
Glen Rose Bancshares, Inc 18251
Muyskens Corp 18251

FISH AND WILDLIFE SERVICE

Rules

Endangered and threatened species; fish, wildlife, and plants:
Threatened species protection 18181

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Isoflupredone acetate; generic drug name change 18171
Levamisole resinate 18171

Proposed Rules

Radiological health:
Diagnostic radiology facilities; quality assurance programs 18207

Notices

Color additives:
FD&C Red No. 40; working group, interim report availability 18258
Human drugs:
Duotrate 30 and 45 with phenobarbital capsules; approval withdrawn; correction 18258
Methylphenidate hydrochloride; efficacy study implementation, hearing 18256
X-Ray systems, diagnostic; petition denied; correction 18258

FOOD SAFETY AND QUALITY SERVICE

Proposed Rules

Meat and poultry inspection, mandatory:
Nitrates and nitrites 18193

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (CAB) .. 18252

GENERAL SERVICES ADMINISTRATION

Notices

Meetings:
Architectural and Engineering Services Regional Public Advisory Panel 18252
Telephone primary instrument; industry concept; proposed intervention in FCC proceeding; inquiry 18252

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Food and Drug Administration; National Institutes of Health; Public Health Service; Social Security Administration.

Notices

Authority delegations:
Assistant Secretary for Health, et al.; Indian Health Scholarship Program 18267
Program results; report availability:
Poverty and school crime, theoretical perspectives 18267

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Service officers, powers and duties; availability of service records; responsibilities of service officers in charge 18161

INDIAN AFFAIRS BUREAU

Proposed Rules

Electric power systems, operation and maintenance charges:
San Carlos Indian Irrigation Project, Ariz 18213

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

INTERNAL REVENUE SERVICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (3 documents) 18354-18359

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Gemstones, synthetic 18343
Leather wearing apparel from Uruguay 18343
Toy vehicles, steel 18343

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 18390
Hearing assignments 18389
Motor carriers:
Lease and interchange of vehicles 18390
Temporary authority applications 18390
Railroad services abandonment:
Chicago & North Western Transportation Co 18389
Southern Pacific Transportation Co 18394
Waste product transportation for reuse or recycling 18394

JUSTICE DEPARTMENT

See also Drug Enforcement Administration; Immigration and Naturalization Service.

Notices

Pollution control; consent judgements; U.S. versus listed companies, etc.:
Public Service Co. of New Mexico et al 18345

LABOR DEPARTMENT

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

Notices

Adjustment assistance:
Allegheny-Ludlum Steel Corp. et al 18360
Bridon American Corp 18361
Cranston Print Works 18361
Joseph R. Palma, Inc 18362
McKeesport Connecting Railroad; correction 18362
Robert Hall Manufacturing Co.; termination 18362

LAND MANAGEMENT BUREAU

Notices

Meetings:
Montrose District Grazing Advisory Board 18343

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 18366

MINE SAFETY AND HEALTH ADMINISTRATION

Notices

Petition for mandatory safety standard modification:
Olga Coal Co 18354

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
Allergy and Immunology Study Section, et al 18260
Animal Resources Advisory Committee 18260
Cancer Institute, National; advisory committees 18262
Cancer Treatment Division, Cooperative Group Chairmen 18264
Communicative Disorders Review Committee 18263
DES Task Force Committee (2 documents) 18259, 18263
Diabetes National Advisory Board 18259
Digestive Diseases National Commission 18259
Eye National Advisory Council 18262
Maternal and Child Health Research Committee 18262
Research Resources National Advisory Council 18260
Neurological Disorders Program-Project Review A Committee 18263
Neurological Disorders Program-Project Review B Committee 18263
Vision Research Program Committee 18264

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Fishery conservation and management:
Salmon fisheries off Wash., Oreg., and Calif.; inquiry 18219

Notices

Meetings:
Gulf of Mexico Fishery Management Council 18231
South Atlantic Fishery Management Council et al 18232

NUCLEAR REGULATORY COMMISSION

Proposed Rules

Practice rules:
Rulemaking petitions, filing and processing 18195

Notices

Environmental statements; availability, etc.:
United Nuclear Corp 18366
Meetings:
Advisory Committee on Reactor Safeguards 18365
Rulemaking petitions; issuance of quarterly report; availability 18365
Applications, etc.:
Arkansas Power & Light Co ... 18363
Commonwealth Edison Co. et al 18364
Metropolitan Edison Co 18364
Westinghouse Electric Corp ... 18365

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Benzene; occupational exposure; liquid mixtures; hearing 18215

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (3 documents) 18354-18359

PUBLIC HEALTH SERVICE

Proposed Rules

Grants:
Dentistry, residency training.. 18217

Notices

Grants; applications:
Allied health 18265
Allied health personnel, advanced training traineeships 18267
Health administration graduate programs 18266
Health administration graduate program, traineeships.. 18266
Public health schools, students traineeships 18267
Health professions and nursing student loans; "low-income levels" for loan repayment..... 18266

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Environmental statements; availability, etc.:
Tri-County Electric Association, Inc 18221

SECURITIES AND EXCHANGE COMMISSION

Rules

Securities Act and Securities Exchange Act:
Beneficial ownership, filing and disclosure requirements; forms 18484
Interpretative releases; tender offers; registration requirements 18163

Proposed Rules

Securities Exchange Act:
Beneficial ownership, filing and disclosure requirements 18501

Notices

Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc 18379
Chicago Board Options Exchange, Inc. (2 documents)..... 18373, 18374
New York Stock Exchange, Inc. (3 documents) 18375, 18380
Hearings, etc.:
Alabama Power Co 18367
Corroon & Black Corp 18368
General Public Utilities Corp. et al 18368
Ivac Corp 18369
Louisiana Power & Light Co .. 18369
Marathon Securities Corp. et al 18370
Parthenon Fund, Inc 18371
Putnam Daily Dividend Trust 18372

SOCIAL SECURITY ADMINISTRATION

Rules

Aged, blind and disabled; supplemental security income for:
Benefits; reductions, suspensions, and terminations 18167

Proposed Rules

Aged, blind, and disabled; supplemental security income for:
Household goods, personal effects, automobile, increasing reasonable value 18206
Indian tribes, receipts from lands held in trust for; exclusion from countable income and resources 18205

STATE DEPARTMENT

Notices

Fishing; 1978 foreign fishing allocations 18382
Meetings:
Shipping Coordinating Committee 18383

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Notices

Trigger price mechanism and extras:
Steel mill products from Japan 18383

URBAN REINVESTMENT TASK FORCE

Notices

Neighborhood preservation projects; application procedures .. 18388

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

EXECUTIVE ORDERS:
12055 18157

5 CFR

213 18159

7 CFR

719 18159
910 18160
1823 18160

PROPOSED RULES:
911 18182
915 18182
944 18182
953 18187
980 18187
987 18188
1207 18193

8 CFR

103 18161

9 CFR

PROPOSED RULES:
11 18514
317 18193
318 18193
319 18193

10 CFR

PROPOSED RULES:
2 18195

12 CFR

208 18161
523 18163

14 CFR

PROPOSED RULES:
Ch. II 18195

17 CFR

231 18163
239 18500
240 18495
241 18163
249 18500

PROPOSED RULES:
240 18501

18 CFR

PROPOSED RULES:
2 18196
3 18196
4 18196
131 18196

20 CFR

416 18167

PROPOSED RULES:
416 (2 documents) 18205, 18206

21 CFR

520 18171
524 18172
1308 18172

21 CFR—Continued

PROPOSED RULES:
1000 18207

25 CFR

PROPOSED RULES:
233 18213

29 CFR

PROPOSED RULES:
1910 18215

40 CFR

52 18175

PROPOSED RULES:
52 18216
250 18506

42 CFR

PROPOSED RULES:
57 18217

46 CFR

528 18175

50 CFR

17 18181

PROPOSED RULES:
661 18219

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

CAB—Air freight forwarders and cooperative shippers associations; liberalized operating authority 13502; 3-31-78
FCC—Frequency allocations and radio treaty matters in the Amateur Radio Service. 12682; 3-27-78

Rules Going Into Effect April 30, 1978

SEC—Beneficial ownership disclosure requirements ... 12342; 3-3-77—15309; 3-21-77—41405; 8-17-77

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.

[Last listing: April 21, 1978

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL

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 April.

1 CFR

Ch. I 13865

3 CFR

EXECUTIVE ORDERS:

11126 (Revoked by EO 12050) 14431
11832 (Revoked by EO 12050) 14431
11888 (Amended by Proc. 4561) .. 15127
12022 (Amended by EO 12052) .. 15133
12050 14431
12051 15131
12052 15133
12053 16147
12054 17457
12055 18157

PROCLAMATIONS:

4445 (Revoked in part by Proc. 4559) 14433
4477 (Proc. 4559) 14433
4509 (Revoked in part by Proc. 4559) 14433
4560 15125
4561 15127
4562 16441
4563 16443
4564 16965
4565 17798
4566 17795

MEMORANDUMS:

August 27, 1976 (Supplemented by Memorandum of March 24, 1978) 15603
November 19,1976 (Supplemented by Memorandum of March 24, 1978) 15603
July 21, 1977 (Supplemented by Memorandum of March 24, 1978) 15603
November 5, 1977 (Supplemented by Memorandum of March 24, 1978) 15603
March 21, 1978 13999
March 24, 1978 15603
April 7, 1978 ..... 16689, 16691

DETERMINATIONS:

April 22, 1978 17789

4 CFR

331 16149
409 16149

PROPOSED RULES:

21 14318

5 CFR

213 ..... 14001, 14637, 14638, 15607, 16305-16307, 16967, 18159
315 14001

PROPOSED RULES:

300 14955
890 17474

7 CFR

1 14002
2 ..... 14004, 15135, 16967
26 16307
29 16309
102 14005
301 15607
401 ..... 14638, 14639, 15319
414 16693
719 18159
724 16310
730 16968
795 16968
905 17797
907 ..... 14435, 15407, 16697
908 ..... 14435, 15407, 16698
910 ..... 14303, 14640, 15608, 16968, 17798, 18160
911 16149
944 16149
967 15608
1001 17459
1049 15135
1421 17461
1472 15320
1823 ..... 15136, 18160
1904 17935
1948 ..... 14282, 15137
2852 15610

PROPOSED RULES:

210 17476
301 16984
632 15312
729 14025
908 16346
911 18182
913 14319
915 18182
944 ..... 17948, 18182
953 ..... 17949, 18187
980 18187
987 18188
989 14024
1004 ..... 16185, 17950
1036 ..... 14478, 17963
1068 14025
1207 18193
1421 17964
1446 14035
1701 16986
1822 14322

8 CFR

103 ..... 16150, 18161
236 ..... 16445, 17798
245 16445
299 ..... 14303, 14957
499 14957

9 CFR

75 14022
92 ..... 15137, 16346
94 15613

9 CFR—Continued

PROPOSED RULES:

11 18514
92 14042
113 ..... 14042, 15719, 17477
317 18193
318 18193
319 18193
381 ..... 14043, 15158

10 CFR

Ch. I 14007
2 ..... 16446, 17798
8 17798
50 17337
51 ..... 14641, 15613, 17803
170 15408
205 ... 14436, 15617, 17337, 17803, 17804
303 ..... 14436, 17804
430 ..... 13865, 15138

PROPOSED RULES:

2 ..... 17830, 18195
11 14672
50 ..... 14672, 17830
70 14672
210 14491
211 ..... 14491, 15158, 16987
212 ..... 14491, 15158
430 13888
470 16185

11 CFR

PROPOSED RULES:

Ch. I 14673

12 CFR

207 14304
208 18161
217 15408
220 14304
221 14304
224 14304
225 ..... 15147, 15321
226 15148
309 17804
404 14438
523 18163
541 17465
545 17465
563 17467
612 15622
613 16446
701 ..... 14924, 15409, 15622, 17467
703 15622

PROPOSED RULES:

9 13889
225 ..... 14970, 16190
226 ..... 16347, 17363
344 15432
521 14505
522 14505
523 ..... 14505, 17479, 17831
524 14505
525 14505

12 CFR—Continued

PROPOSED RULES—Continued

526 ..... 14505, 17831
527 14505
529a 16190
531 14505
532 14505
545 17831
561 17831
563 ..... 17479, 17831, 17833
564 17831
701 14929

13 CFR

108 14007
309 15148

PROPOSED RULES:

113 14674

14 CFR

39 ..... 13866, 13868, 14438-14441, 14957-14960, 15409-15413, 16151, 16152, 16698-16701, 17344, 17346, 17937
71 ..... 13869, 14442, 14443, 14960, 15414, 15415, 16152, 17346, 17937-17940
73 16702
75 ..... 15415, 17347, 17940
95 16703
97 ..... 14444, 16711
223 17467
302 17347
1204 14008
1221 15623

PROPOSED RULES:

Ch.II 18196
39 ..... 13890, 14517, 14970, 16191, 16740, 17364, 17366
47 16924
49 16924
61 16924
63 16924
65 16924
67 16924
71 ..... 13891, 14518, 14971, 14972, 16192, 16741-16743, 17367, 17368, 17966
73 ..... 16741, 16744, 17368
75 17369
93 17370
121 13891
129 13891
143 16924
187 16924
207 ..... 13892, 14519, 15720
208 ..... 13892, 14519, 15720
212 ..... 13892, 14519, 15720
214 13892
215 15720
221 ..... 15334, 16503
241 14523
244 15720
245 14523
246 14523
249 15720
296 15720
298 13892
300 16990
302 ..... 15334, 16503

14 CFR—Continued

PROPOSED RULES—Continued

304 ..... 14044, 15730
369 17967
371 13892
372a 13892
373 13892
378 13892
378a 13892
385 15720
389 15720
399 16503

15 CFR

369 16969
371 16713
372 16970
373 ..... 16447, 16714
375 16449
376 16310
386 16970
904 17806
917 15306
930 15416

PROPOSED RULES:

904 16745

16 CFR

0 17351
2 17352
461 17967
1115 17972
1116 17972
1700 ..... 17330, 17332

PROPOSED RULES:

Ch. II 14322
13 ..... 14053, 14524

17 CFR

1 17812
32 16153
200 15416
230 14445
231 18163
239 ..... 16672, 18500
240 ..... 14451, 18495
241 ..... 14451, 18163
249 ..... 14445, 18500

PROPOSED RULES:

1 ..... 15072, 15438
210 ..... 15335, 15730
230 ..... 15335, 15441
239 15335
240 ..... 15335, 16512, 18501
249 15335
270 16192

18 CFR

101 15418
104 15419
141 15419
260 15419

PROPOSED RULES:

2 ..... 15730, 18196
3 18196
4 18196
131 18196
157 15730

19 CFR

6 14961
145 14451
153 14456
159 17352

PROPOSED RULES:

4 14060

20 CFR

200 17468
416 ..... 17353, 18167

PROPOSED RULES:

410 15336
416 ..... 15336, 18205, 18206
718 17722
725 17732
727 17765

21 CFR

74 14641
81 14642
172 14644
173 14644
175 ..... 16311, 16972
177 16972
182 ..... 14008, 14644
184 ..... 14008, 14644
361 14644
442 14646
460 16312
520 ..... 14647, 15625, 18171
522 ..... 15625, 16972
524 18172
540 ..... 14008, 16312
546 14647
558 ..... 14647, 17469
561 14008
1308 18172

PROPOSED RULES:

2 14674
101 ..... 14675, 14677, 16347
109 16349
146 14678
148 16991
171 15164
182 ..... 14064, 16996
184 ..... 14064, 16996
186 ..... 14064, 16996
448 ..... 14683, 15734
312 16997
314 16997
431 16997
514 16997
558 16997
601 16997
680 14683
807 16997
814 16997
1000 18207
1040 16997

22 CFR

Ch. V 14298, 16312
61 14456
505 14457

PROPOSED RULES:

603 17002

23 CFR

130 16167
140 16167
420 15626
625 14648
652 17814
810 15321

PROPOSED RULES:

924 14683

24 CFR

203 13870
207 13870
220 13870
841 ..... 13871, 16167
888 14457
1914 ..... 16312, 16314
1915 16316
1917 ..... 16317–16336, 16449–16477, 16714–16734
1920 16168–16174
1931 16323

PROPOSED RULES:

8 16652
200 17371
201 16513
203 16513
204 16513
207 16514
220 16514
232 16514
234 16513
235 17834
250 16514
891 17448
1917 ..... 15165, 16746–16772

25 CFR

11 16973
43p 16175

PROPOSED RULES:

43h 14684
233 18213
256 14685

26 CFR

1 13875
7 ..... 16734, 17815
48 16974
139 14305
404 14962
601 17816

PROPOSED RULES:

1 13893
601 ..... 13896, 13899, 15336

27 CFR

71 14650

28 CFR

0 14009
2 17470
22 16974

PROPOSED RULES:

50 14955

29 CFR

94 ..... 14940, 16974
95 16974
97 14940
1902 14009

29 CFR—Continued

2520 14009
2560 17470
2605 14010
2608 14010

PROPOSED RULES:

97 ..... 14424, 14916
202 15734
203 15734
204 15734
541 14688
575 14068
1607 14955
1608 16349
1910 ..... 14071, 18215
1952 17003
2550 17480

30 CFR

PROPOSED RULES:

40 14691
41 14691
43 14691
44 14691
70 16349
71 16349
100 14691
715 17835
840 17918
841 17918
843 17918
845 17918
848 17918
850 17918
852 17918
855 17918

31 CFR

0 17471
51 15627

PROPOSED RULES:

51 15735

32 CFR

61 15148
81 15149
160 15150
206 16975
217 14650
253 17354
289 16478
505 17821
519 14458
581 15572
700 17355
701 17355
705 17355
706 13878
707 13878
710 17355
711 17355
713 17355
719 17355
720 17355
721 17355
722 17355
724 17355
727 17355
728 17355
731 17355
732 17355
733 17355

32 CFR—Continued

734 17355
735 17355
753 17355
765 17355
766 17355
985 16979

PROPOSED RULES:

43a 17838
835 16193

33 CFR

110 14470
173 17940
181 ..... 14963, 17356
207 14652
222 14013
279 14014
305 13990

PROPOSED RULES:

126 15108
154 15108
156 15108
161 15586
173 15583
174 15583
175 15118
177 16194

35 CFR

253 17941

36 CFR

7 ..... 14307, 17356
50 14653

38 CFR

3 ..... 14016, 15152

PROPOSED RULES:

14 17482
21 15336
36 17840

39 CFR

111 ..... 14018, 14308

PROPOSED RULES:

111 15165

40 CFR

35 ..... 17697, 17716
52 ..... 13879, 14964, 15424, 16177, 16735, 17357, 17358, 18175
55 14470
60 15600
180 ..... 14019, 14020, 15155
418 17821
455 17776
710 16178

PROPOSED RULES:

35 17690
52 ..... 13899–13902, 14692, 14972, 15167, 16350, 16351, 16516, 17004, 18216
55 ..... 14973, 15339
56 14072
65 16195
80 17841
162 16517
180 16352

40 CFR—Continued

PROPOSED RULES—Continued

233 17484
250 18506
257 17374
413 16517

41 CFR

Ch. I 14021
Ch. 7 14471
1-1 14315
1-9 16979
7-7 15627
7-10 15628
60-4 14888
101 15321
101-1 17508
101-19 16478
101-25 16480
105-65 14315

PROPOSED RULES:

Ch. 8 14525
Ch. 9 15852
5B-2 14323
12-60 17974
60-3 14955
101-7 16353
101-11 14975

42 CFR

54a 14276
110 17682
462 13970

PROPOSED RULES:

37 17979
57 18217

43 CFR

Ch.II 17942
2 15155
4 17941

PROPOSED RULES:

3 14975
4 15441
14 16517
3830 15102

45 CFR

116b 16262
116c 14292
232 15424
1060 14316
1061 14317
1301 14932
1302 14934
1305 14935

PROPOSED RULES:

46 17375
71 17843

45 CFR—Continued

PROPOSED RULES—Continued

177 14376
220 17843
228 17843
232 15457
302 ..... 14323, 15457
614 16518
1151 15458
1170 15737
1201 14072
1231 14077
1490 14634

46 CFR

528 18175

PROPOSED RULES:

Ch. IV 17845
401 15590
542 16772

47 CFR

5 16736
15 14654
43 16736
68 16480
73 ..... 14657, 14658, 14964-14966, 15321, 15322
74 14660
76 16337
81 17473
83 15324
95 13976
97 ..... 14662, 15324-15327, 17359

PROPOSED RULES:

1 ..... 14692, 14693, 16783
15 15744
63 14080
64 ..... 14080, 14088
67 13902
68 16519
73 ..... 14088, 14694, 14977, 15341, 16203, 16354, 16355, 16783, 17508, 17979-17982
74 14695
76 15342
81 16355

49 CFR

Ch. II 17472
Ch. X 15156
1 ..... 14021, 17359, 17360
172 17942
173 ..... 17944, 17946
174 17945
177 17945
178 17946
179 17946
192 13880
258 14663

49 CFR—Continued

260 14870
270 14472
450 16948
451 16949
452 16950
453 16951
523 16181
533 16181
571 17946
1003 ..... 14317, 16182
1004 14664
1033 ..... 14021, 14473-14476, 14666, 14668, 14669, 14966, 14967, 15156, 15426, 16341, 16342, 16739, 16979, 17360
1051 14670
1056 16340
1100 14317
1104 14670
1130 17828
1307 14670
1310 ..... 14670, 17828

PROPOSED RULES:

Ch. V 13905
Ch. X 17509
211 15167
571 16783
1012 15752
1036 17985
1056 ..... 14324, 17004
1100 ..... 15168, 17006, 17008
1111 15753
1121 15754
1241 14528
1307 ..... 14978, 15168
1310 15168
1322 17004

50 CFR

10 14968
17 ..... 15427, 16343, 17910, 18180
26 ..... 14477, 16891
33 ..... 14022, 15429, 15430, 15629, 16183, 16502
230 ..... 13883, 14477
611 15430
651 ..... 14968, 17361
661 15629

PROPOSED RULES:

17 ..... 14697, 15463, 16144, 16524, 16527, 17375
227 13906
280 16783
611 17013
661 18219
672 17242

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
13865-13998	Apr. 3
13999-14301	4
14303-14430	5
14431-14636	6
14637-14955	7
14957-15123	10
15125-15318	11
15319-15406	12
15407-15602	13
15603-16145	14
16147-16304	17
16305-16440	18
16441-16688	19
16689-16963	20
16965-17336	21
17337-17455	24
17457-17787	25
17789-17933	26
17935-18156	27
18157-18531	28

presidential documents

[3195-01]

Title 3—The President

Executive Order 12055 • **April 27, 1978**

Export of Special Nuclear Material to India

By virtue of the authority vested in me as President by the Constitution of the United States of America and by Section 126b(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2155), as amended by Section 304(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242, 92 Stat. 131), and having determined that withholding the export proposed pursuant to Nuclear Regulatory Commission export license application XSNM-1060 would be seriously prejudicial to the achievement of the United States non-proliferation objectives, that export to India is authorized; however, such export shall not occur for a period of 60 days as defined by Section 130g of the Atomic Energy Act of 1954, as amended.

Jimmy Carter

THE WHITE HOUSE,
April 27, 1978.

[FR Doc. 78-11816 Filed 4-27-78; 11:42 am]

EDITORIAL NOTE: The President's message to the Congress, dated Apr. 27, 1978, on the export of special nuclear material to India, is printed in the Weekly Compilation of Presidential Documents (vol. 14, no. 17).

rules and regulations

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amends Part 213 to establish a career-related work-study program to support the Harry S. Truman Scholarship Program. The Harry S. Truman Scholarship Foundation's Scholarship Program is designed to provide opportunities for outstanding students to prepare for careers in the public service. By authority of Executive Order 12015, the Civil Service Commission is amending its regulations to include under Schedule B, § 213.3202, scholars of the Harry S. Truman Scholarship Program in the career-related work-study program.

EFFECTIVE DATE: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Poole, 202-632-5678.

Accordingly, 5 CFR 213.3202(d) is added as set out below:

§ 213.3202 Entire executive civil service.

The positions established under paragraphs (a) through (d) are authorized under provisions of Executive Order 12015 and support career-related work-study programs.

* * * * *

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93-642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-11501 Filed 4-27-78; 8:45 am]

[3410-05]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document amends the regulations governing the reconstitution of farms and allotments to prohibit combining, as one farm, land located in two or more counties when allotments or quotas established for such land cannot be transferred from one county to another by lease, sale, or transfer by the owner. This change would not apply to land which is owned and operated by the same person and which is contiguous. The change also prohibits reconstituting farm allotments and/or quotas by the landowner designation method of reconstitution when the land comprising the farm is located in two or more counties and due to statutory provisions an allotment and/or quota on the farm cannot be transferred from one county to another by lease, sale, or by the owner.

EFFECTIVE DATE: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Coplin, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, 202-447-4541.

SUPPLEMENTARY INFORMATION: Sections 316, 318, 319, and 358a of the Agricultural Adjustment Act of 1938, as amended, apply to crop allotments and/or quotas which may be transferred by lease, sale, or transfer by owner. Under these statutory provisions, except for Virginia fire-cured and Virginia sun-cured tobacco for which authority is provided for transfers outside the county but within the State, transfers of allotments and/or quotas must be between farms within the same county. The regulations are being amended to prohibit transfer of allotments or quotas from one county to another county by combination of farms or by division of farms using the landowner designation method if such allotments or quotas may not be transferred outside the county by lease, sale, or transfer by owner. Since farmers are now requesting farm reconstitutions for the 1978 crop year, it is essential this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that the compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

FINAL RULE

Accordingly, 7 CFR Part 719 is amended by revising Sections 719.3(b) and 719.8(b) as follows:

Section 719.3(b) is amended by adding a new subparagraph (8) as follows:

§ 719.3 Farm reconstitution.

* * * * *

(b) *Farms constituted for the first time or reconstituted hereafter.*

* * * * *

(8) Land located in two or more counties shall not be combined as one farm if an allotment or quota has been established for any tract of land and the allotment or quota cannot be transferred from one county to another county by lease, sale, or transfer by owner: *Provided*, That this paragraph shall not apply if all of the land is owned and operated by one person and all such land is contiguous.

* * * * *

Section 719.8(b) is amended by adding a new paragraph (7):

§ 719.8 Rules for determining allotments where reconstitution is made by division.

* * * * *

(b) *Designation of allotments by landowner.*

* * * * *

(7) For a parent farm comprised of land in two or more counties that has an allotment that cannot be transferred by lease, sale, or transferred by owner from one county to another county, the rules in this paragraph (b) shall not be applicable.

* * * * *

AUTHORITY: Sections 316, 318, 319, 358a, 375, 378, 379, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211 (7 U.S.C. 1316, 1318, 1319, 1338(a) 1375, 1378, 1379). Sections 601, 602, 706, 79 Stat. 1206, as amended, 1210 (7 U.S.C. 1801 Note, 1383, 1305.)

Signed at Washington, D.C. on April 20, 1978.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service

[FR Doc 78-11317 Filed 4-27-78; 8:45 am]

[3410-02]

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

[Lemon Reg. 143; Lemon Reg. 142, 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 April 30-May 6, 1978, and increases the quantity of such lemons that may be so shipped during the period April 23-29, 1978. 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 April 30, 1978, and the amendment is effective for the period April 23-29, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

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

The committee met on April 25, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good 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.

1. Section 910.443 is added to read as follows:

§ 910.443 Lemon Regulation 143.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 30, 1978, through May 6, 1978, is established at 285,000 cartons.

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

2. Paragraph (a) of § 910.442 Lemon Regulation 142 (43 FR 16968) is amended to read as follows:

§ 910.442 Lemon Regulation 142.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period April 23, 1978, through April 29, 1978, is established at 300,000 cartons.

* * * * *

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

Dated: April 27, 1978.

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

[FR Doc. 78-11817 Filed 4-27-78; 11:48 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.11]

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

Subpart N—Loans to Indian Tribes and Tribal Corporations

Amendment

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to provide that the amount of loan funds used to acquire property will not exceed its market value. The intended effect of this amendment is to allow more loans for land purchase by permitting applicants to use their own funds to pay the difference between market value as determined by the Farmers Home Administration and the purchase price. This action is necessary to eliminate a need to renegotiate the price of land in situations where the buyer and seller have agreed on a price, a later established market value is less than that price, and the buyer is willing and able to complete the transaction at the original price. It is also needed when sellers will not renegotiate a selling price if the market value is less than that price and buyers are willing and able to complete the transaction.

EFFECTIVE DATE: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Carl O. Opstad, 202-447-4573.

SUPPLEMENTARY INFORMATION: At pages 1098 of the FEDERAL REGISTER for Friday, January 6, 1978, the Farmers Home Administration published a notice of proposed rulemaking concerning § 1823.410. Five comments were received. Four were favorable and one objected for the reason that the purchase of private land outside of an Indian reservation for inclusion in the reservation would reduce the tax

base for the respective county. Since the proposed rule did not concern the issue of Indian tribes having the right to purchase taxed base county lands, the objection cannot be considered relevant to the proposed change.

As amended § 1823.410 reads as follows:

§ 1823.410 Appraisals.

The amount of loan funds used to acquire property will not exceed its market value as determined by FmHA. Market value will be based on an appraisal made by authorized FmHA personnel, BIA appraisers, or appraisers approved by the State Director. The value of any existing buildings that pass with the land will be deducted from the market value.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

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

Dated: April 17, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-11627 Filed 4-27-78; 8:45 am]

[4410-10]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Responsibilities of Service Officers in Charge

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service respecting the responsibility of Service Officers in Charge. The amendment will provide that Officers in Charge have program and administrative supervisory responsibility for all personnel assigned to their office. This amendment is necessary and intended to more clearly state in the regulations Service policy respecting the responsibilities of Service Officers in Charge.

EFFECTIVE DATE: April 28, 1978.

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: For the reason set forth above, Chapter I of Title 8 of the Code of Federal Regulations is hereby revised as set forth below.

In Part 103 of Title 8, § 103.1(o) is revised by adding a new sentence immediately before the existing first sentence and by revising the existing first sentence. As revised, 8 CFR 103.1(o) reads as follows:

§ 103.1 Delegations of authority.

* * * * *

(o) *Officers in Charge.* Officers in charge have program and administrative supervisory responsibility for all personnel assigned to their office. Officers in charge have responsibility for the supervision of inspection at ports of entry and the authorization of extensions of nonimmigrant admission periods and of voluntary departure prior to the commencement of deportation hearings. Officers in charge in Districts 33, 35, and 37 have the same powers with respect to petitions and applications submitted by citizens or aliens residing in their respective areas as are conferred on district directors in the United States. The officers in charge in the places enumerated in § 212.1(i) of this chapter have the authority to act on requests for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act.

* * * * *

(Sec. 103; 8 U.S.C. 1103.)

This amendment is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to agency organization and management.

Effective date: This amendment becomes effective on April 28, 1978.

Dated: April 25, 1978.

LEONEL J. CASTILLO
Commissioner of
Immigration and Naturalization.

[FR Doc. 78-11601 Filed 4-27-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0153]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Loans by State Member Banks in Special Flood-Hazardous Areas

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This action amends the Board's Regulation H, to conform its treatment of State member bank loans secured by improved real estate or a mobil home located or to be located in a special flood-hazardous area in a community that does not participate in the National Flood Insurance program with recent statutory changes contained in the Housing and Community Development Act of 1977 that remove the prohibitions against such loans and include a notice requirement for loans made in special flood-hazardous areas.

EFFECTIVE DATE: April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Associate General Counsel, or John Walker, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3000.

SUPPLEMENTARY INFORMATION: Section 703(a) of the Housing and Community Development Act of 1977 (the "1977 Act") changes the National Flood Insurance program by amending Section 202(b) of the Flood Disaster Protection Act of 1973. Prior to its amendment by the 1977 Act, section 202(b) required that the Federal Reserve Board shall by regulation prohibit State member banks from making any loan secured by improved real estate or a mobile home located or to be located in a special flood-hazardous area unless the community in which the area is situated was then participating in the National Flood Insurance program. Exceptions to such prohibitions were provided for in section 202(b) prior to its amendment by the 1977 Act. The Board has issued regulations to reflect these provisions of section 202(b). (See Regulation H, §§ 208.8(e) (2), (5), 12 CFR 208(e) (2), (5) (1977).) Under section 202(b) prior

to its amendment by the 1977 Act and under existing Board regulations, if Federal flood insurance is not available in a community in which a special flood-hazardous area has been designated, i.e., the community does not participate in the National Flood Insurance program, then State member banks cannot make any loan secured by improved real estate or a mobile home located or to be located in the special flood-hazardous area.

Section 703(a) of the 1977 Act removes the prohibition against a bank making loans to finance improved real estate or mobile homes located or to be located in a special flood-hazardous area in a community that does not participate in the National Flood Insurance program. Section 703(a) of the 1977 Act provides that the Federal Reserve Board shall by regulation require State member banks, as a condition of making, increasing, extending or renewing any loan secured by property located or to be located in a special flood-hazardous area, to notify the purchaser or lessee of such property whether, in the event of a disaster caused by flood to such property, Federal disaster relief assistance will be available for such property.

The 1977 Act does not affect section 102(b) of the Flood Disaster Protection Act of 1973 which requires that the Federal Reserve Board shall by regulation direct State member banks not to make any loan secured by improved real estate or a mobile home located or to be located in a special flood-hazardous area "in which (Federal) flood insurance has been made available under (the National Flood Insurance Act of 1968)" unless the building or mobile home or personal property securing such loan is covered by Federal flood insurance. The Board has issued a regulation to reflect the provisions of section 102(b). (See Regulation H, § 209.8(e)(1), 12 CFR 208.8(e)(1) (1977).) Under section 102(b) and Board regulation, if Federal flood insurance is available in a community in which a special flood-hazardous area has been designated, i.e., the community participates in the National Flood Insurance program, then State member banks cannot make any loan secured by improved real estate or a mobile home located or to be located in that area unless the property securing such loan is covered by Federal flood insurance.

In summary, as a result of section 703(a) of the 1977 Act, if a community does not participate in the National Flood Insurance program, then a bank can make loans to finance improved real estate or mobile homes located or to be located in a special flood-hazardous area in that community even though the property securing such loans is not covered by Federal flood insurance. However, if a community participates in the National Flood Insurance program, then a bank cannot make loans to finance improved real estate or mobile homes located or to be located in a special flood-hazardous area in that community unless the property securing such loans is covered by Federal flood insurance.

The change made by this amendment is a technical one designed to conform Regulation H with existing statutory authority. Therefore, the Board for good cause finds that the procedures prescribed by the provisions of 5 U.S.C. 553 relating to notice, public procedure, and deferred effective date are unnecessary and would serve no useful purpose. Effective immediately, § 208.8(e) is amended by revoking § 208.8(e) (2), (5), renumbering § 208.8(e)(3) as § 208.8(e)(2) and § 208.8(e)(4) as § 208.8(e)(3), amending the renumbered § 208.8(e)(3) to include the provision of notice to borrowers of the availability of Federal disaster relief assistance, and adding Appendix A. Section 208.8 is amended to read as follows:

§ 208.8 Banking practices.

* * * * *

(e) *Loans by State member banks in special flood-hazardous areas.*—(1) *Property securing loan must be insured against flood.* * * *

(2) *Records of compliance.* * * *

(3) (i) *Notice of special flood hazards and availability of Federal disaster relief assistance.* Each State member bank shall, as a condition of making, increasing, extending or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the bank's commitment, if any, if the period between commitment and closing is less than 10 days) a written notice to the borrower stating: (*a*) That the property securing the loan is or will be located in an area so identified, or in lieu of such notification a State member bank may obtain satisfactory written assurances from a seller or lessor stating that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is or will be located in an area so identified; and (*b*) whether, in the event of damage to the property caused by flooding in a federally-declared disaster, Federal disaster relief assistance will be available for such property. Each State member bank shall require the borrower, prior to closing, to provide the bank with a written acknowledgment that the property securing the loan is or will be located in an area so identified and that the borrower has received the above-required notice regarding Federal disaster relief assistance.

(b) *Sample notices.* A State member bank providing written notice containing the language presented in appendix A within the time limits prescribed in paragraph (a) of this section will be considered to be in compliance with the notice requirements of paragraph (a) of this section.

APPENDIX A—SAMPLE NOTICES

(1) *Notice to Borrower of Special Flood-Hazards*—Notice is hereby given to———— that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. This area is delineated on————'s Flood Insurance Rate Map ("FIRM") or, if the FIRM is unavailable, on the community's Flood Hazard Boundary Map ("FHBM"). This area has a 1 percent chance of being flooded within any given year. The risk of exceeding the 1 percent chance increases with time periods longer than 1 year. For example, during the life of a 30-year mortgage, a structure located in a special flood-hazardous area has a 2 percent chance of being flooded.

(2) *Notice to Borrower about Federal Disaster Relief Assistance*—(a) *Notice in participating communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance program. In the event such property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance may be available. However, such assistance will be unavailable if your community has been identified as a special flood-hazardous area for one year or longer and is not participating in the National Flood Insurance program at the time assistance would be approved. This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of your flood insurance.

(b) *Notice in non-participating communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is not participating in the National Flood Insurance program. This means that such property is not eligible for Federal flood insurance. In the event such property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance will be unavailable if your community has been identified as a special flood-hazardous area for 1 year or longer. Such assistance may be available only if at the time assistance would be approved your community is participating in the National Flood Insurance program or has been identified as a special flood-hazardous area for less than 1 year.

By order of the Board of Governors, effective April 20, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-11642 Filed 4-27-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Reduction of Liquidity Requirement

APRIL 11, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment reduces the overall liquidity requirement of each Federal Home Loan Bank member from 7 to 6½ percent of its liquidity base and reduces each member's short-term liquidity requirement from 3 to 2½ percent of such base. This action is taken because savings flows into members have continued at a reduced pace, increasing pressure on the supply of mortgage funds as indicated by increases in interest rates charged on mortgage loans. The new requirement unfreezes funds for mortgage lending that were previously required to be held in liquid assets.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, telephone 202-377-6440.

SUPPLEMENTARY INFORMATION: This action will free up about $2 billion in funds that are presently required to be held in liquid assets and which will now be available for mortgage lending. Increased pressure on the supply of mortgage funds has been indicated by increases in interest rates charged on mortgage loans, and this action should ease those pressures, although the mortgage market reflects the influence of general economic and financial developments and the impact of monetary policy. Further reductions in liquidity requirements will be considered if they appear needed.

The Bank Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11, because this amendment relieves restriction, and (2) publication of this amendment for the 30-day notice specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to effective date is unnecessary for the same reason.

Accordingly, the Bank Board hereby revises section 523.11(a) of the Regulations for the Federal Home Loan Bank System (12 CFR 523.11(a)) to read as set forth below, effective May 1, 1978.

§ 523.11 **Liquidity requirements.**

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 6½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, exept as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

(Sec. 5A, 47 Stat. 727, as aded by sec. 1, 64 Stat. 252, as amended. sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-11596 Filed 4-27-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5927; 34-14699]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Interpretations Concerning the Application of Registration Requirements to Certain Tender Offers and the Application of Tender Offer Provisions to Certain Cash-Option Mergers

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretations.

SUMMARY: The Securities and Exchange Commission today authorized the issuance of this release reflecting the views of the Division of Corporation Finance with respect to two issues arising under the Williams Act: (1) Whether disclosure by a bidder in certain cash tender offers about previous negotiations or agreements for a merger with and/or future intentions to merge with the subject company involves "gun jumping" and thus violates section 5 of the Securities Act of 1933; and (2) whether the cash option features of certain statutory mergers involve a tender offer by the acquiring company. With respect to the first issue, the Division of Corporation Finance has withdrawn a position taken in a previous letter and has expressed its view in this release that disclosure by a bidder in a tender offer required by the Williams Act about previous negotiations or agreements with the subject company regarding a merger or future intentions to merge with the subject company does not involve "gun jumping." With respect to the second issue, the Division has expressed the view in this release that, while the issue is not free from doubt, the division will not suggest a Williams Act filing on Schedule 14D-1 in connection with certain statutory mergers involving a cash option feature.

FOR FURTHER INFORMATION CONTACT:

John Huber, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1750.

SUPPLEMENTARY INFORMATION: This release presents the views of the Division of Corporation Finance (the "Division") with respect to two issues which concern tender offers and statutory mergers. The first relates to the application of certain provisions of the Securities Act of 1933 (the "1933 Act") (17 U.S.C. 77a et seq.)[1] and rules promulgated thereunder[2] to certain dis-

[1] Section 2(3) of the 1933 Act provides in pertinent part:

The term "offer to sell," "offer for sale," or "offer" shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value.

Section 5(c) of the 1933 Act provides in pertinent part:

It should be unlawful for any person * * * to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed as to such security * * *.

It is clear from sections 2(3) and 5 of the 1933 Act that no offer or sale of a security to be registered can be made before the filing of a registration statement. The issue arising prior to the filing of a registration statement is determining what constitutes an offer.

[2] Rule 135, 17 CFR 230.135, sets forth communications to investors which shall not be

Footnotes continued on next page

closure required to be made by bidders in cash tender offers. The second concerns the application of the tender offer provisions of the Securities Exchange Act of 1934 (the "1934 Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 24, 1975)), commonly known as the Williams Act,[3] and Rule 14d-1, 17 CFR 240.14d-1 and Schedule 14D-1, 17 CFR 240.14d-100, promulgated thereunder[4] to certain statutory mergers.

In order to inform the public of the Division's views on these matters, this release contains a general discussion of the issues, describes the fact situations involved and with respect to the first issue publishes a "no-action" letter recently issued by the Division which withdraws a much criticized position taken in a previous letter.

"Gun Jumping" in the Context of a Cash Tender Offer

The first issue is whether compliance with the Williams Act may involve "gun jumping" in violation of the 1933 Act in the context of a cash tender offer. This issue arises in the following fact pattern ("Situation A"):

The acquiring company and the acquired company discuss or agree in principle to a merger or enter into a plan of merger. After these discussions or after the negotiations of the material terms of the agreement of merger have been concluded, the acquiring company makes a cash tender offer for less than all of the equity securities of the acquired company. This tender offer may either have been the subject of discussions between the parties or may constitute a condition to the merger agreement. The shareholder vote on the merger agreement occurs subsequent to the tender offer. If the tender offer did not result in the purchase by the acquiring company of the requisite percentage of the outstanding shares of the acquired company, the merger agreement which is voted upon by the shareholders may include a provision for cash election rights. Under this provision, shareholders of the acquired company may elect to receive cash in lieu of the securities of the acquiring company: *Provided*, That the total number of shares for which cash is paid (including those shares acquired pursuant to the tender offer) does not exceed a specified percentage of the outstanding shares of the acquired company. In the event the cash option is exercised with respect to more than the specified percentage, cash is paid on a pro rata basis. The cash election option may be exercised by the shareholders during the time between the notice for the meeting and the vote on the merger. Shareholders who elect to receive cash are typically required to submit a Form of Election to the acquiring company's agent. The stock certificates or a guarantee of delivery of such certificates accompany the Form of Election. As with the proxy on the merger, the election to receive cash in lieu of the acquiring company's securities may be withdrawn by an electing shareholder until shortly before the shareholders' meeting. If the acquiring company is able to purchase the requisite percentage of the outstanding shares of the acquired company pursuant to the tender offer, the cash election rights alternative is normally not included in the merger.

The issue here is whether the acquiring company's disclosure in its tender offer materials of the negotiations with the acquired company and/or the merger agreement, including the material terms of the statutory merger contemplated subsequent to the tender offer, constitutes an "offer to sell" the securities of the acquiring company to be received by the acquired company's shareholders pursuant to the merger within the meaning of section 2(3) of the 1933 Act and Rule 145(a) promulgated thereunder. A finding that such disclosure constitutes an "offer to sell" leads to the conclusion that the bidder's tender offer violates section 5(c) of the 1933 Act if at the time of the tender offer a registration statement for the acquiring company's securities to be exchanged in the merger has not been filed with the Commission.

This issue was addressed in a letter to the Bendix Corp. ("Bendix") from the Division (available November 30, 1976). That letter concerned a proposed merger of Ex-Cell-O Corp. ("Ex-Cell-O") into Bendix. After the agreement in principle was signed but before the distribution of proxy statements and the vote by shareholders on the merger, Bendix proposed to make a tender offer for up to 40 percent of the outstanding shares of Ex-Cell-O common stock at $30 per share. The tender offer materials to be delivered to the Ex-Cell-O shareholders would contain a brief description of the principal terms of the merger,[5] including the basis of exchange and a statement that after Bendix and Ex-Cell-O entered into a definitive merger agreement proxy statements concerning the merger would be distributed to the shareholders of both companies. In its letter to Bendix, the Division took the position that the Ex-Cell-O shareholder when confronted with the Bendix tender offer would be making an investment decision to accept either the cash offered in the tender offer or to take the Bendix stock later. On this basis, the Division was unable to conclude that the tender offer did

---

Footnotes continued from last page

deemed offerings of securities. Rule 145(a)(2), 17 CFR 240.145(a)(2), promulgated under the 1933 Act provides in pertinent part:

An "offer," "offer to sell," offer for sale or "sale" shall be deemed to be involved within the meaning of section 2(3) of the Act, so far as the security holders of a corporation * * * are concerned where, pursuant to statutory provisions of the jurisdiction under which such corporation * * * is organized, or pursuant to provisions contained in its certificate of incorporation or similar controlling instruments, or otherwise there is submitted for the vote or consent of such security holders a plan or agreement for * * * [A] statutory merger or consolidation * * * in which securities of such corporation * * * held by such security holders will become or be exchanged for securities of any other person, * * *;

The effect of Rule 145(a) is to require registration for the securities to be issued in connection with the transaction specified unless an exemption from registration is available. See release No. 33-5316, 37 FR 23631 (November 7, 1972).

[3]The Williams Act Amendments to the 1934 Act enacted in 1968. Pub. L. 90-439, 82 Stat. 454 (July 29, 1968), and amended in 1970, Pub. L. 91-567, 84 Stat. 1497 (December 22, 1970), provided, as among other things, for Federal regulation of tender offers. Section 14(d) of the 1934 Act is applicable to a class of equity securities which is registered pursuant to section 12 of the 1934 Act or which would have been required to be registered pursuant to that section except for a specific statutory exemption for insurance companies or which has been issued by a closed-end investment company registered under the Investment Company Act of 1940. Generally, section 14(d) makes it unlawful for any person (or group of persons) to make a tender offer for or request or invitation for tenders of such securities which, upon consummation, would result in that person being the direct or indirect beneficial owner of more than 5 percent of such class of securities unless at the time the tender offer is first published, sent or given to security holders that person has filed with the Commission a statement containing such of the information specified in section 13(d) of the 1934 Act and such additional information as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors. Among other things, section 14(d) also contains regulatory provisions relating to shareholders' withdrawal rights and their pro rata acceptance rights, as well as the bidder's obligation to treat all tendering shareholders equally with respect to the consideration offered. Section 14(d)(4) requires that any solicitation or recommendation to security holders to accept or reject the tender offer be made in accordance with rules adopted by the Commission. Section 14(e), which is applicable to all tender offers and to any solicitation or recommendation related thereto, makes it unlawful for any person to make any untrue statement of a material fact or to omit any material fact necessary to make the statements made not misleading or to engage in any fraudulent, deceptive, or manipulative acts or practices in connection with any tender offer or any solicitation or recommendation related thereto.

[4]Release No. 34-13787, 42 FR 38341 (July 21, 1977).

[5]The terms of the proposed merger contemplated: the conversion of each share of Ex-Cell-O common stock into three-fourths of a share of Bendix common stock; and a cash option to the Ex-Cell-O shareholders. The cash option would be included in the merger agreement only if Bendix acquired less than 40 percent of the outstanding common stock of Ex-Cell-O pursuant to its tender offer and would be limited to the acquisition for cash of 40 percent (including those shares acquired in the tender offer) of the outstanding common stock of Ex-Cell-O.

not constitute an "offer to sell" the Bendix common stock to be exchanged in the subsequent merger within the meaning of section 2(3) of the 1933 Act and Rule 145 thereunder. The implication from the Bendix letter is that, unless the bidder/acquiring company has filed a registration statement at the time the cash tender offer commences, the disclosure in the cash tender offer of the material terms of the subsequent merger violates section 5(c) of the 1933 Act.

On August 31, 1977, Schedule 14D-1 and the amendments to Rule 14d-1 implementing the filing and disclosure requirements of that Schedule became effective. The various items of Schedule 14D-1[6] highlighted the disclosure required to be made by a bidder with respect to Situation A in a tender offer subject to section 14(d)(1) of the 1934 Act and Rule 14d-1 thereunder.

One of the new disclosure requirements is Item 3(b) which requires a bidder to describe any contacts, negotiations or transactions which have occurred since the commencement of the subject company's third full fiscal year preceding the filing date of the Schedule between the bidder and the subject company concerning: A merger, consolidation or acquisition, a tender offer or other acquisition of securities; an election of directors; or a sale or other transfer of a material amount of assets. This requirement is intended to provide security holders with more meaningful disclosure concerning certain events occurring prior to the tender offer which can have a material effect on a shareholder's investment decision concerning the tender offer.

Item 5(a) of Schedule 14D-1 parallels the former requirement of Item 4 in Schedule 13D by requiring a bidder to describe any plan or proposal it has which relates to or would result in an extraordinary corporate transaction involving the subject company or any of its subsidiaries such as a merger, reorganization, or liquidation.[7] The disclosure required by item 5(a) of Schedule 14D-1 is consistent with and implements the legislative history[8] of the Williams Act. As one commentator has observed:

Disclosure of plans and proposals was probably the most controversial part of the Williams Bill that passed, but it was diversely and severely opposed. For Congress to reject this nearly unanimous criticism, and to depart from a strong tradition (of nondisclosure), it must have been deeply convinced of the importance of disclosing plans.[9]

Thus, Items 3(b) and 5(a) of Schedule 14D-1 recognize that a tender offer may not be an isloated event in the corporate affairs of the bidder and the subject company and that a shareholder should be furnished with a continuum of disclosure with respect to certain past contacts, negotiations or transactions between the bidder and the subject company as well as the bidder's present intentions concerning its plans or proposals with respect to the subject company after the tender offer.

Additionally, Item 7 of Schedule 14D-1 which represents an expansion of a similar requirement in Schedule 13D requires the bidder to describe any contract, arrangement, understanding or relationship between the bidder and any person with respect to any securities of the subject company. The disclosure required by Item 7 includes a description of the material terms of any such contract, arrangement, understanding or relationship.

Not only does Rule 14d-1(a) require the information contained in Items 3(b), 5(a) and 7 to be filed with the Commission in Schedule 14D-1, but Rule 14d-1(c)(4) requires these items or a fair and adequate summary thereof to be included in the tender offer which is published, sent or given to the subject company's security holders. Accordingly, disclosure by a bidder of negotiations with the subject company, and/or an agreement in principle or plan of merger entered into with the subject company is required by section 14(d)(1) of the Exchange Act and the rules and Schedule 14D-1 promulgated thereunder. Indeed, the omission of such disclosure in the Schedule 14D-1 filed with the Commission or the tender offer materials communicated to security holders would constitute a violation of the provisions of the Williams Act.

The disclosure philosophy of the Williams Act is juxtaposed with the "gun jumping" doctrine under the 1933 Act. That doctrine was designed to prevent an issuer from conditioning the market by arousing investor interest before a registration statement covering the securities proposed to be offered has been filed.[10] In the Division's view, such a doctrine is inappropriate to apply to a cash tender offer subject to section 14(d) in which the bidder is seeking to buy the securities of the subject company's security holders. The bidder's concern is purchasing the subject company's securities for cash, not priming the market for a subsequent registered offering of securities. Regardless of the bidder's intent, Schedule 14D-1 for compelling policy reasons reflected by the Williams Act requires such information in order to provide full disclosure to investors confronted with an investment decision in the context of a tender offer. In the Division's opinion, to apply the "gun jumping" doctrine to Situation A would not further the policies underlying the 1933 Act and would be inconsistent with the intention of Schedule 14D-1 to require disclosure of information available to the bidder regarding its previous contacts, arrangements or agreements and future plans and proposals with respect to the subject company.[11]

In light of the above, the Division believes on reconsideration that the position it took in the Bendix letter was not necessary for the protection of investors and has withdrawn that letter. In the Division's view, the disclosure required by the Williams Act to be made by a bidder in a cast tender offer concerning the subsequent statutory merger in Situation A should not be deemed to constitute an "offer to sell" the bidder's securities to be exchanged in such merger and should not therefore require the filing of a registration statement pursuant to the 1933 Act with respect to such securities prior to the commencement of such tender offer. Such disclosure should be viewed under the 1933 Act as are other written communications or published statements permitted prior to the filing of a registration statement.[12]

---

[6] Although Schedule 14D-1 retained much of the substance of Schedule 13D, 17 CFR § 240.13d-100, which had previously been required for filings pursuant to Section 14(d)(1) of the 1934 Act, certain items were significantly modified and new items were included. See Release No. 34-13787, 42 FR 38341 (July 21, 1977).

[7] The examples contained in Item 5(a) are not intended to be exclusive but rather are intended to furnish guidance as to the type of extraordinary corporate transaction which requires disclosure. Id. at 38345.

[8] *See generally* Hearings on S.510 before the Subcomm. on Securities of the Senate Comm. on Banking and Currency, 90th Cong. 1st Sess. 126-50 (1967).

[9] Bromberg, The Securities Law of Tender Offers, 15 N.Y.L.F. 462, 501 (1969) (footnote omitted).

[10] *See Diskin* v. *Lomasney & Co.*, 452 F 2d 871 (2d Cir. 1971); *SEC* v. *Commercial Investment & Development Corp.* 373 F. Supp. 1153 (S.D. Fla. 1974); and *SEC* v. *Arvida Corp.*, 169 F. Supp. 211 (S.D.N.Y. 1958).

[11] This position is consistent with a recent judicial opinion and the views expressed by the Commission in a letter *amicus curiae* concerning that litigation. *Humana Inc.* v. *American Medicorp, Inc. Trans World Airlines, Inc. and Hilton International Co.*, 77 Civ. 4809 (S.D.N.Y. January 7, 1978) (Transcript of bench opinion at 162 et seq.) and Letter to Judge Lasker from the Commission, dated January 6, 1978, re: *Humana Inc.* v. *American Medicorp, Inc., Trans World Airlines, Inc. and Hilton International Co.* 77 Civ. 4809 (M.E.L.).

[12] In the context of reclassifications, mergers, consolidations and transfers of assets, these statements are governed by Rule 145(b), 17 CFR 230.145(b), and in other situations by Rule 135. Rule 145(b) provides that written communications or other published statements which contain no more than the information specified in Rule 145(b) shall not be deemed a prospectus for purposes of Section 2(10) of the 1933 Act and shall not be deemed an "offer for sale" of the security involved for purposes of Section 5 of the 1933 Act. Specifically, statements made with respect to Situation A by

Footnotes continued on next page

The Division's position is, however, limited to the disclosure permitted by Rule 145(b) and to the disclosure required to be made by section 14(d)(1) of the 1934 Act, Schedule 14D-1 promulgated thereunder and section 14(e) of the 1934 Act. Depending upon the circumstances, statements which are not required by the Williams Act may constitute an "offer to sell" the securities to be exchanged in the subsequent merger and, in the absence of a registration statement filed with the Commission at the commencement of the tender offer, may constitute a violation of section 5 of the 1933 Act. For example, a bidder should not issue press releases or grant interviews to the press which discuss a possible merger under circumstances where it appears that the decisions of security holders who will be voting on the merger may be unduly influenced without the benefit of the disclosures in a registration statement.

In order to announce the Division's position in this matter, the Commission authorized the Division to issue the following letter: [13]

Dear Sirs:

This is in response to your letter of March 23, 1978 as supplemented by telephone conversations with the staff and your letter of April 3, 1978. The letter concerns the applicability of certain provisions of the Securities Act of 1933 (the "1933 Act") to the tender offers proposed to be made by Company X ("X") for the common stock of Company Y ("Y") and for the —% Convertible Bonds due 1983 (the "Y Bonds") of Company Z, a wholly-owned subsidiary of Y. Since your letter of April 3, 1978, you have advised the staff that X no longer contemplates making a tender offer for the Y Bonds.

We understand the material facts, as more fully set forth in your letters, to be as follows. On March 2, 1978, X and Y announced in a joint press release that they had agreed in principle to a merger transaction by which Y would become a wholly-owned subsidiary of X. In the merger, X will issue one share of X Preferred Stock having a liquidating value of $— per share (the "X Preferred") for each outstanding share of common stock of Y ("Y Common").

The parties are presently negotiating a definitive agreement of merger (the "Agreement of Merger") which will be subject, among other things, to the approval of both boards of directors and to the approval of the shareholders of Y.

X and Y contemplate that the Agreement of Merger will contain provisions pursuant to which holders of outstanding Y Common may elect to receive at the completion of the merger $— cash per share of Y Common, in lieu of X Preferred (the "Cash Election Rights"). It is proposed that Y shareholders will be entitled until shortly before the Y shareholders' meeting to exercise their Cash Election Rights. The total number of Y Common for which cash is paid pursuant to the tender offer for Y Common, described below, and the exercise of Cash Election rights together with any shares of Y Common subject to the rights of dissenting shareholders under applicable state law shall not exceed 49 percent of the outstanding shares of Y Common.

If the Cash Election Rights are exercised with respect to more than 49 percent of the outstanding shares of Y Common (an "Oversubscription"), X's cash purchases of such shares will be made on a pro rata basis. Because of adverse tax consequences to Y shareholders exercising Cash Election Rights in an Oversubscription, the Agreement of Merger will also provide that a Y shareholder may make the exercise of Cash Election Rights conditional upon receipt of cash payment for all shares held by such shareholder as to which Cash Election Rights are exercised rather than only part (a "Conditional Election").

In the event of an Oversubscription, all Conditional Elections will be deemed to be withdrawn and proration will be among the shares covered by the remaining Cash Election Rights. If the withdrawal of Conditional Elections reduces the number of shares as to which Cash Election Rights have been exercised unconditionally below the 49 percent limitation which may be acquired for cash, X's exchange agent, to the extent feasible, may accept all, but not less than all, of the Y Common from each person making a Conditional Election up to such maximum number of shares, by selecting by lot from among all persons making such Conditional Elections until such number is reached.

After negotiations on the material terms of the Agreement of Merger but before the meeting of X shareholders for the purpose of voting on the merger, X contemplates making a tender offer, either directly or through a wholly-owned subsidiary for approximately 45 percent of the outstanding shares of Y Common at $— per share net to the selling shareholder in cash (the "Tender Offer"). If the Tender Offer results in X's acquisition of the number of shares of Y Common sought therein, the Cash Election Rights alternative will not be included in the merger. If X is unable to purchase the number of shares of Y Common sought pursuant to the Tender Offer, the Cash Election Rights alternative might be included in the merger.

The Schedule 14D-1, 17 CFR 240.14d-100, filed with the Commission and the Offer to Purchase published, sent or given to X shareholders pursuant to Rule 14d-1, 17 CFR 240.14d-1, promulgated under section 14(d)(1) of the Securities Exchange Act of 1934 (the "1934 Act") would contain disclosure designed to permit Y Common shareholders to make an informed investment decision regarding X's tender offer for Y Common. The Schedule 14D-1 and the Offer to Purchase would include only the information required by Schedule 14D-1 and such other material information concerning X, Y or the merger which would be necessary to permit an informed decision by a shareholder to accept or reject the invitation to tender.

You represent that X's purpose in making the Tender Offer is not to arouse investor interest in the X Preferred prior to the filing of a registration statement pertaining thereto or to induce Y Common shareholders to await the offer and sale of such securities; but rather, X's purpose would be to solicit Y Common shareholders to accept the offer of cash pursuant to the Tender Offer and not to await the possible offer of X Prefered in the future.

It is your belief that should X make the Tender Offer, Y Common shareholders would be faced with the same considerations facing any shareholder contemplating a tender offer, viz. whether to tender, sell in the marketplace or await future developments.

After consideration of the facts presented, as more fully set forth in your letters, but without necessarily agreeing with all the reasoning contained therein, the Division concurs in your view that the proposed Tender Offer would not constitute an "offer to sell" X Preferred within the meaning of sections 2(3) and 5 of the 1933 Act; *Provided, however,* That information disclosed in the Schedule 14D-1, the Offer to Purchase and any amendments or changes thereto in connection with the Tender Offer complies with the disclosure requirements of sections 14(d) of the 1934 Act, Rule 14d-1 and Schedule 14D-1 promulgated thereunder, and section 14(e) of the 1934 Act. Consequently, the division will not recommend enforcement action with respect to section 5 of the 1934 Act or Rule 145, 17 CFR 230.145, promulgated thereunder in connection with the Tender Offer if at the time the Tender Offer is first published, sent or given to security holders by X, a registration statement has not been filed with the Commission by X with respect to the X Preferred.

Because this position is based upon representations made to the Division in your letters, it should be noted that any different facts or conditions might require a different conclusion. Furthermore, this letter only expresses the division's position on enforcement action and does not purport to express any legal conclusion on the questions presented.

Sincerely,

Tender Offers in the Context of Certain Cash Option Mergers

The second issue involves the relationship between tender offers and statutory mergers which contain a cash option election. The issue arises in the following fact pattern ("Situation B"):

The acquiring company and the acquired company enter into an agreement of merger or a plan of merger which is approved by the respective boards of directors and submitted to the acquired company's shareholders for a vote. One of the provisions of the merger agreement is a cash election rights alternative under which a shareholder may elect to receive cash in lieu of the securities of the acquiring company. This alternative is conditioned upon a specified percentage of the outstanding securities of the acquired company. If the cash option is exercised with respect to a greater percentage than that specified, cash is paid on a pro rata basis. The cash election option may be exercised by the shareholders during the time between the notice for the meeting and the vote on the merger. As with the proxy on the merger, the election to receive cash in lieu of the acquiring company's securities may be withdrawn by the

---

Footnotes continued from last page
or on behalf of the acquiring company prior to the filing of the Schedule 14D-1 and the time the tender offer is first published, sent or given to security holders must be limited to the provisions of Rule 145(b).

[13] The text of the letter has been edited to delete identifying data and other information not germane to the publication of the Division position.

electing shareholder until shortly before the shareholders' meeting. Shareholders who elect to receive cash are typically required to submit a Form of Election to the acquiring company's agent. The stock certificates or a guarantee of delivery of such certificates accompany the Form of Election.

The specific issue is whether the cash option feature which is provided to a shareholder of the acquired company during the time provided for the vote on the merger agreement constitutes a tender offer within the meaning of sections 14(d) and 14(e) of the 1934 Act.[14] While the matter is not free from doubt, when a statutory merger contains a cash option feature as described in Situation B, the Division will not take the position that a tender offer is involved and will not suggest that a Williams Act filing on Schedule 14D-1 be made. This position is predicated, in part, on the Division's view that the shareholder's election to receive cash or securities of the acquiring company as consideration for the shares to be surrendered is part of the shareholder's investment decision whether to vote for or against the merger proposal, since the election occurs during the same time period that the shareholder votes on the merger proposal. It should be noted that the Division's position is limited to Situation B and to the cash option feature of Situation A to the extent it comports with Situation B. The Division has expressed no view with respect to the application of the Williams Act to cash option statutory mergers consisting of different facts including those in which the timing of the cash election feature varies in any degree to that set forth in Situation B.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 24, 1978.

[FR Doc. 78-11544 Filed 4-27-78; 8:45 am]

[14] A related issue arises under Rule 10b-13 (17 CFR 240.10b-13) under the 1934 Act. In a number of letters concerning cash option mergers of the type presented in Situation B, the Division of Market Regulation has stated:

This Division is of the view that whether the grant of the Cash Election Rights should be considered a discrete transaction, separate from the [related merger], and therefore a tender offer within the contemplation of Rule 10b-13, is not free from doubt.

However, because it has been of the view that the consummation of such cash option mergers does not appear to result in the type of abuses at which Rule 10b-13 is directed, the Division of Market Regulation has stated in these letters that it would not recommend that the Commission take enforcement action under Rule 10b-13 with respect to the consummation of such mergers. See, e.g., Letter to Thomas A. Burton, Esq. from the Division of Market Regulation, re: National Distillers Corp. (January 3, 1978).

[4110-07]

Title 20—Employees Benefits

[Reg. No. 16]

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974——)

Subpart M—Suspensions and Terminations

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These amendments concerning exceptions to the requirement for advance notice before reduction, suspension, or termination of benefits implement the decision of the U.S. District Court in *Cardinale* v. *Mathews*, 399 F. Supp. 1163, and a subsequent court order resulting from a negotiated agreement by the parties in that case. Accordingly, the amendments deal with two types of exceptions. They eliminate three of the four existing exceptions to the requirement for advance notice of intent prior to reduction, suspension, or termination of supplemental security income benefits, and provide two limited exceptions to the requirement for continuation of payments at the previously established payment level.

EFFECTIVE DATE: July 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Eric Happel, Office of Policy and Regulations, 6401 Security Boulevard, Baltimore, Md. 21135, telephone 301-594-6784.

SUPPLEMENTARY INFORMATION: On January 10, 1977, a Notice of Proposed Rule Making and proposed amendments to Subpart M of Regulations No. 16 was published in the FEDERAL REGISTER (42 FR 2079).

PRIOR POLICY

Prior to the *Cardinale* decision, the Social Security Administration gave advance written notice of its intent to discontinue or reduce supplemental security income payments because of an event requiring suspension, reduction, or termination of payments in all cases except where (1) the Social Security Administration had factual information confirming the death of the recipient, (2) amendments to a Federal law or an increase in other Federal benefits required an automatic suspension, reduction, or termination, (3) a clerical or mechanical error had been made in effectuating the determination, or (4) the facts prompting the suspension, reduction, or termination were supplied by the recipient, were not subject to conflicting interpretations, and were complete. In these four situations, neither advance notice nor opportunity for continuation of payment was given to the recipient.

DISTRICT COURT'S DECISION IN THE CARDINALE CASE

In the *Cardinale* decision the district court, citing the U.S. Supreme Court decision in *Goldberg* v. *Kelly*, 397 U.S. 254 (1970), and the requirements of due process, struck down all of the existing exceptions to the requirement for advance written notice of intent and the opportunity for continuation of payment other than where the action to be taken is due to the death of the recipient. However, the court afforded the Social Security Administration an opportunity to evolve procedures, consistent with due process, to meet program needs.

Subsequently, the court ordered, as stipulated by the parties, that the Social Security Administration be permitted to use two limited exceptions to the requirement for continuation of payment at the previously established level pending the publication of proposed rules concerning those limited exceptions, and for 90 days from the date on which final regulations are published in the FEDERAL REGISTER. The limited exceptions pertain to the "multiple check" and "dollar maximum" payments which are described in detail later. It was contemplated by the court and by the parties to the litigation that these limited exceptions would be reviewed and evaluated on the basis of comments received after publication in the FEDERAL REGISTER. The preamble of the Notice of Proposed Rule Making, however, did not specifically indicate that the order of the court was supplemental to the final decision of the court and would remain in effect only for a specified period of time pending public comment and issuance of final regulations. Despite this lack of specificity, comments pertaining to the two limited exceptions were received and are discussed below. These comments concerned peripheral issues and did not raise any questions about the essence of the proposed rules. Therefore, we are putting the rules into effect (ninety days from date of publication) and will periodically review these rules in light of experience and will take into account any further comments that are received.

CHANGES IN THE REGULATIONS TO IMPLEMENT THE CARDINALE DECISION AND SUBSEQUENT COURT ORDER

Under the amended regulations no reduction, suspension, or termination

action (unless due to the death of the recipient) can be taken unless the recipient has been given prior written notice and the opportunity to appeal and have payments continued pending a decision on such initial appeal. This is in accord with the *Cardinale* decision.

When the recipient appeals the initial determination within 10 days and does not specifically waive continuation of payment, the payments will continue to be made at the previously established rate except where multiple checks had been issued or the payment had exceeded the dollar maximums. These two limited exceptions, as provided by the subsequent order of the court, will remain in effect for 90 days following the date of publication of these final regulations. Further, after consideration of the public comments received in response to the Notice of Proposed Rule Making, the two exceptions have been adopted in the final regulations as ongoing policy.

The advance written notice of intent to discontinue or reduce payment allows the recipient 60 days after the date of receipt of the notice to request the appropriate level of administrative review (i.e., reconsideration or hearing). Where the request for review is filed within 10 days after the date the notice is received, payment will be continued at the previously established payment level (subject to the two exceptions discussed below) until a decision on the appeal is issued.

The date of receipt of the notice shall be presumed to be 5 days after the date on the face of the notice. While the amended rules (and the *Cardinale* order) do not permit any waiver of advance notice by the recipient, they do permit waiver of the right to continuation of payment at the previously established level to avoid overpayment. Such a waiver can be made only if initiated by the recipient and put in writing.

While the rights of the recipient must be protected, the Social Security Administration is also under an obligation to limit the number of incorrect payments that might be issued. To continue to pay amounts which are incorrect on their face would be to disregard this obligation. A new section is, therefore, added to the regulations providing for two limited exceptions to the requirement that payment be continued pending appeal at the previously established rate. These exceptions cover only situations in which there is no doubt that the payment amount is incorrect. When the exceptions are applicable, no action will be taken to suspend, reduce, or terminate payment before advance written notice of intent is given to the recipient with an opportunity to request the appropriate appellate review within 60 days. If an appeal is filed within 10 days after the individual's receipt of the notice, payment will be continued (except where an individual's benefits have been otherwise correctly suspended) but not at the obviously incorrect level. The date of receipt of such notice shall be presumed to be 5 days after the date shown on the face of the notice.

The first exception covers instances of two or more payments in one month to the same person. Where it is determined that a recipient has received two or more regular monthly payments in one month, payment will be made at the correct amount for the next month as provided in § 416.1337(a), after sending a notice of planned action to the beneficiary. If the recipient believes he is entitled to a higher amount of benefits, and appeals the determination within 10 days, he will be paid the highest of the two or more monthly payment amounts (or the correct amount if higher) until a decision on the appeal is issued.

The second exception involves amounts which exceed defined dollar limits above which payment is not possible. Where a payment exceeds these defined dollar limitations, a notice of planned action will be sent to the recipient and payment for the next month will be in the correct amount as reflected in the notice. If the individual appeals the action within 10 days, and the appeal cannot be disposed of prior to the first of the next month, the amount of the payment will be determined as set out in § 416.1337(b)(3)(i) and § 416.1337(b)(3)(ii).

Comments on Notice of Proposed Rule Making

Interested parties were given the opportunity to submit within 45 days data, comments, or discussion with regard to the proposed amendments. Seven commenters submitted a number of comments which have been fully considered. Four commenters endorsed the proposed changes or suggested only minor revisions. Three disagreed with one or more premises of law or policy and suggested changes in the regulations and in operating instructions.

One commenter stated that there had been an inordinate delay in promulgating these regulations and that such delay has disadvantaged claimants and misled the public. The commenter requested that the proposed regulations, after suitable changes, be republished as a Notice of Proposed Rule Making (NPRM) in the Federal Register, utilizing the interim procedure so these changes would be effective upon publication. Claimants should not have been disadvantaged since the rules were effective beginning with the date of the court order. These final amendments are in essence the same as the proposed rules. They carry out the mandate of the court, most issues raised by comments from the public have been resolved and operating instructions have been issued. However, as indicated above, the rules will be periodically reviewed and consideration will be given to any comments on the final regulation. Accordingly, the interim procedure is unwarranted.

Another commenter strongly supported the proposed regulations but also suggested republication as an NPRM after amending to more accurately reflect the court order in *Cardinale*. That order directed the Social Security Administration to use the agreed upon "multiple check" and "dollar maximum" exceptions to the requirement for continuation of payment at the previously established payment level for 90 days after promulgation of these regulations. The commenter felt that some interested parties may have been dissuaded from commenting in the belief that the provisions in the proposed regulations were already mandated by court order. This suggestion was not adopted since public comment, for the most part favorable, has already been received. Moreover, the other provisions of the court order have been adopted as ongoing Social Security Administration policy, subject to periodic review, to ensure the adequacy of these exceptions and dollar limitations. Another suggestion made by the commenter to revise the language in § 416.1336(c) was adopted. The commenter felt that the original language implied that a recipient must choose between continued payment at the previous level or no payment at all pending appeal. The language was intended, however, to express the fact that a recipient can accept the proposed reduced level of payment while appealing the reduction.

Two commenters felt that benefit payments which are continued at the previous level through a hearing, following a timely appeal, should not be considered "overpayments." One commenter felt that such payments are made pursuant to substantive and procedural requirements which protect the recipient from a reduction, suspension, or termination until a hearing, and therefore, since the benefits are correctly paid they are not "overpayments." This commenter cited regulation 45 CFR 205.40(a)(2), issued by the Social and Rehabilitation Service (now abolished) as precedent for this view. If the policy and regulations are not changed this commenter felt that at least, a presumption of "nonfault" should be established with respect to such overpayment.

These suggestions were not adopted. A change in policy and regulations to exclude from the definition of over-

payments, benefits paid after an event which causes a reduction, suspension, or termination of payments, and through a hearing in response to a timely appeal, could reward a recipient simply for being litigious and penalize those who, for convincing reasons, did not timely appeal. Moreover, program costs would in all likelihood, increase substantially.

With respect to the regulation cited as precedent by the commenter, this regulation defines "case error" in a quality control system. This system was established at the Federal level to monitor on a sample basis, assistance payments made by State agencies administering grants-in-aid programs. These same regulations include an independent definition of overpayments.

Two commenters urged cessation of the practice of orally informing claimants in local district social security offices as to their right to waive or forego continuation of payments during the first level of an appeal. They also advocated that no oral information be given the claimant to the effect that continuation of payment could result in an overpayment if the initial determination is upheld upon appeal, indicating that the written notices provide sufficient information. Since a recipient has a right under the law and regulations to waive continuation of payments pending appeal, the recipient is entitled to have such right explained (including, in appropriate situations, an oral explanation). Current Claims Manual instructions to district offices make clear that a decision regarding continuation of payments must stem from the recipient's own initiative. Thus, no coercion is intended or sanctioned.

One comment related to the matter of "fault" and the possibility of "waiver" when there has been a continuation of payment. It was recommended that consideration be given to these factors before reducing any future benefits to recover the prior overpayment. Current regulations require that consideration be given to these factors. 20 CFR 416.552 states that "Whether an individual is 'without fault' depends on all the pertinent circumstances surrounding the overpayment in the particular case." Thus, the decision by the claimant to let payments continue through the first level of an appeal, is considered along with all other factors before deciding to recover the overpayment.

Three commenters suggested that the policy of extending to a claimant the right to waive continuation of payments should cease. They contend that such policy has a high potential for abuse and may tend to coerce the claimant. To adopt this policy could work a severe hardship on those claimants who, for whatever reason, decide to appeal but do not wish to have continuation of payments. Not only would this be unfair to this category of claimants but it could also be counterproductive by inducing or coercing some claimants to appeal when in fact, they themselves feel they have no basis for an appeal.

Three comments were to the effect that the 10-day period in which to request continuation of payment is too short and should be extended. It was felt that such a limitation results in administrative abuses and that procedures for handling these claims, particularly with respect to notices, are deficient. While the 10-day limitation was reconsidered, the suggestions for extension were not adopted. The limitation is a compromise between conflicting factors. On one hand it provides a claimant a reasonable period of time in which to decide on his course of action but also provides controls on the payment systems to ensure against premature adjustment. A longer period would further burden these systems. Moreover, to allow a greater period would likely result in a proportionate increase in the number of overpayments and further burden program costs and systems capabilities. The 10-day period fits appropriately into administrative requirements for efficient administration of the program.

One commenter suggested more safeguards with respect to the term "factual information" as used in § 416.1336(a). Specifically, the proposal was made that standards be established as to quantum and type of evidence of death, before an exception can be triggered to prevent abuses and errors in systems and to ensure immediate correction and reinstatement if an error does occur. This suggestion has been adopted. In addition, Claims Manual instructions and increased effort via control programs, training, and management awareness should ensure against errors and abuses.

A suggestion was made that instructions in the Claims Manual for handling "multiple payments" and "dollar limitation" cases be substantially improved. The commenter also urged that all references in the Claims Manual to the former policy which permitted "waiver of prior written notice" be eliminated. Instructional issuances, such as the Claims Manual, are continuously improved in the light of program experiences or to meet special needs. Thus, if further program experiences indicates an inadequacy in the cited instructions, improvements will be made. With respect to eliminating all references to the prior policy, we believe that this has been accomplished; however, we will be alert for any needed deletions.

A commenter suggested that § 416.1337(a)(2)(i) be revised to provide that the notice include a statement as to the amount of payments in question and the actual months in which the payments were made. It was further suggested (1) that § 416.1337(b)(2)(i) should be more specific in order to satisfy due process and include the months for which incorrect payments were made and, (2) that "correctly suspended" be defined in § 416.1337(b)(3)(ii) by referring to §§ 416.1321–30 and 416.1336(a). These suggestions have been partially adopted. However, the latter citation is not appropriate since it pertains to death terminations.

A commenter suggested that §§ 416.1336(b) and 416.1337(a)(3) show clearly that the unreduced checks continue to be paid only until a decision is made at the initial level of appeal. This suggestion has been adopted.

Another commenter recommended that clarification be made as to the relationship between "administrative suspensions" of payment and the continuation of payment rights required by *Goldberg* v. *Kelly*, 397 U.S. 254. It was also suggested that an additional exception be sought in the *Cardinale* agreement to exclude advance notice and the right to continuation of payment when a recipient becomes an inmate of a public institution. The basis for such revision was the belief that continuation of payment in the latter case was a clear violation of the statute and contrary to Congressional intent. The commenter's reference to administrative suspensions pertains to administrative stop payment situations, i.e., where payments are temporarily stopped (but not suspended). There are two situations where this may occur: (1) a check is returned because the recipient has moved and left no forwarding address, and (2) a representative payee dies and development must be made for a new payee. Since these situations do not involve a suspension of benefits, they are not included in the subject of these regulations. These situations will, however, be further clarified in the appropriate section of the regulations. No exception to the *Cardinale* agreement will be sought with respect to inmates of public institutions. This situation, among others, was previously considered in negotiating the terms of the agreement. An exception would be discriminatory with respect to recipients affected by this factor of entitlement as opposed to recipients affected by other factors causing a reduction in benefits.

Accordingly, the proposed amendments are adopted as revised and are set forth below.

(Secs. 1102, 1601, and 1631 of the Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1465, as amended, 86 Stat. 1475, as amended, 42 U.S.C. 1302, 1381, and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

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

Dated: February 27, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: April 24, 1978.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1336 is revised to read as follows:

§ 416.1336 Notice of intended action affecting recipient's payment status.

(a) *Advance written notice requirement.* Advance written notice of intent to discontinue payment because of an event requiring suspension, reduction (see Subpart D of this part), or termination of payments shall be given in all cases, prior to effectuation of the action, except where the Social Security Administration has factual information confirming the death of the recipient, e.g., as enumerated in § 404.704(b) of this chapter, or a report by a surviving spouse, a legal guardian, a parent or other close relative, or a landlord.

(b) *Continuation of payment pending an appeal.* The written notice of intent to suspend, reduce, or terminate payments shall allow 60 days after the date of receipt of the notice for the recipient to request the appropriate appellate review (see Subpart N of this part). If appeal is filed within 10 days after the individual's receipt of the notice, the payment shall be continued or reinstated at the previously established payment level (subject to the effects of intervening events on the payment which are not appealed within 10 days of receipt of a required advance notice or which do not require advance notice, e.g., an increase in the benefit amount) until a decision on such initial appeal is issued, unless the individual specifically waives in writing his right to continuation of payment at the previously established level in accordance with paragraph (c) of this section. (See § 416.1337 for exceptions to the continuation of payment level.) Where the request for the appropriate appellate review is filed more than 10 days after the notice is received but within the 60-day period specified in § 416.1410 or § 416.1426, there shall be no right to continuation or reinstatement of payment at the previously established level unless good cause is established under the criteria specified in § 416.1474 for failure to appeal within 10 days after receipt of the notice. For purposes of this paragraph, the date of receipt of the notice of intent to suspend, reduce, or terminate payments shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(c) *Waiver of right to continued payment.* Notwithstanding any other provisions of this section, the recipient, in order to avoid the possibility of an overpayment of benefits, may waive continuation of payment at the previously established level (subject to intervening events which would have increased the benefit for the month in which the incorrect payment was made, in which case the higher amount shall be paid), after having received a full explanation of his rights. The request for waiver of continuation of payment shall be in writing, state that waiver action is being initiated solely at the recipient's request, and state that the recipient understands his right to receive continued payment at the previously established level.

2. Section 416.1337 is added to read as follows:

§ 416.1337 Exceptions to the continuation of previously established payment level.

(a) *Multiple payments exception.* (1) Where it is determined that a recipient is receiving two or more regular monthly payments in one month, the Social Security Administration shall determine the correct payment amount and, as soon as practicable thereafter, send the recipient and advance written notice of intent to make subsequent payment in that amount. Payment for the following month shall be made in the correct amount, except as provided in paragraph (a)(3) of this section.

(2) The advance notice shall explain:

(i) That multiple payments were made in the one or more months identified in the notice;

(ii) The correct amount of monthly benefits that the recipient is eligible to receive; and

(iii) The recipient's appeal rights.

(3) If an appeal is filed within 10 days after receipt of the written notice of intent, the highest of the two or more check amounts, or the correct amount if higher (subject to the dollar limitation provisions), shall be continued until a decision on such initial level of appeal is issued. See § 416.1474 for criteria as to good cause for failure to file a timely appeal. For purposes of this paragraph, the date of receipt of the notice of intent shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(4) The fact that a recipient is receiving multiple payments is established if the records of the Social Security Administration show that:

(i) Two or more checks are being sent to an individual under the same name or a common logical spelling variation of the name;

(ii) The social security number is the same or a pseudo number appears;

(iii) The checks are being sent to the same address;

(iv) The sex code for such individual is the same; and

(v) The date of birth for such individual is the same.

(b) *Dollar limitation exception.* (1) Where it is determined that a recipient is receiving an erroneous monthly payment which exceeds the dollar limitation applicable to the recipient's payment category, as set forth in paragraph (b)(4) of this section, the Social Security Administration shall determine the correct payment amount and, as soon as practicable thereafter, send the recipient an advance written notice of intent to make subsequent payment in that amount. Payment for the following month shall be made in the correct amount, except as provided in paragraph (b)(3) of this section.

(2) The advance notice shall explain:

(i) That an erroneous monthly payment which exceeds the dollar limitation applicable to the recipient's payment category was made in the one or more months identified in the notice;

(ii) The correct amount of monthly benefits that the recipient is eligible to receive; and

(iii) The recipient's appeal rights.

(3) If an appeal is filed within 10 days after receipt of the written notice of the intent (see § 416.1474 for criteria as to good cause for failure to file a timely appeal), the amount of payment to be continued, pending decision on appeal, shall be determined as follows:

(i) *Recipient in payment status.* Where the recipient is in payment status, the payment shall be in the amount the recipient received in the month immediately preceding the month the dollar limitation was first exceeded (subject to intervening events which would have increased the benefit for the month in which the incorrect payment was made, in which case the higher amount shall be paid).

(ii) *Recipient in nonpayment status.* If the recipient's benefits were suspended in the month immediately preceding the month the dollar limitation was first exceeded, the payment shall be based on that amount which should have been paid in the month in which the incorrect payment was made. However, if the individual's benefits had been correctly suspended as provided in §§ 416.1321–1330 and they should have remained suspended but a benefit that exceeded the dollar limitation was paid, no futher payment shall be made to him at this time and notice of

the planned action shall not contain any provision regarding continuation of payment pending appeal.

NOTE: For purposes of this paragraph, the date of receipt of the notice of planned action shall be presumed to be 5 days after the date on the face of such notice, unless there is a reasonable showing to the contrary.

(4) The payment categories and dollar limitations are as follows:

PAYMENT CATEGORY AND DOLLAR LIMITATION

Federal supplemental security income benefit only.—$200.

Recipients whose records indicate eligibility for Federal supplemental security income benefits for the month before the month the dollar limitation was first exceeded.

(ii) *Federal supplemental security income benefit and optional supplementation, or optional supplementation only.*—$700

Recipients whose records indicate they were eligible for Federal supplemental security income benefits plus Federally-administered optional supplementation, or eligible for Federally-administered optional supplementation only, for the month before the month the dollar limitation was first exceeded.

(iii) *Federal supplemental security income benefit and mandatory or other supplementation, or mandatory supplementation only.*—$2,000

Recipients whose records show eligibility for Federal supplemental security income benefits and Federally-administered mandatory supplementation or essential person increment for the month before the month the dollar limitation was first exceeded. This category also includes those eligible for Federally-administered mandatory supplementation only and those eligible for Federal supplemental security income benefits plus an essential person increment and Federally-administered optional supplementation.

[FR Doc. 78-11593 Filed 4-27-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Levamisole Resinate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) submitted by Cyanamid Agricultural de Puerto Rico, Inc., for use of levamisole resinate in the feed of swine for treating nematode infections.

EFFECTIVE DATE: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3442).

SUPPLEMENTARY INFORMATION: Cyanamid Agricultural de Puerto Rico, Inc., P.O. Box 243, Manati, P.R. 00701, filed NADA 101-079V providing for use of levamisole resinate as an anthelmintic in swine feed for treating certain nematode infections.

The basic data to support approval of this NADA is contained in NADA 45-455V, and incorporated herein by reference. This action does not constitute reevaluation of the parent NADA, nor does it constitute reaffirmation of the underlying data in the parent NADA.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by adding new §520.1242d to read as follows:

§520.1242d Levamisole resinate.

(a) *Specifications.* The drug is levamisole adsorbed on a resin, in a concentration equivalent to 10 percent levamisole hydrochloride. Each 2.05-ounce (58.1 gram) packet contains levamisole equivalent to 5.806 grams of levamisole hydrochloride.

(b) *Sponsor.* See No. 043781 in §510.600(c) of this chapter.

(c) *Conditions of use.* In swine it is used as follows:

(1) *Amount.* The equivalent of 8 milligrams per kilogram of body weight, as a single dose, mixed in the animal's ration.

(2) *Indications for use.* A swine anthelmintic effective for the treatment of the following nematode infections: large roundworms (*Ascaris suum*), nodular worms (*Oesophagostomum spp.*), lungworms (*Metastrongylus spp.*), and intestinal threadworms (*Strongyloides ransomi*).

(3) *Limitations.* For pigs from weaning to market weight, mix one 58.1-gram packet of levamisole resinate containing the equivalent of 10-percent levamisole hydrochloride in 40 pounds of feed and administer 1 pound of medicated feed per 40 pounds of body weight as sole ration. For breeding swine, mix 1 packet of the 10-percent resinate in 16 pounds of feed and administer 1 pound of medicated feed per 100 pounds of body weight as sole ration. Administer as single doses. Withhold regular feed overnight and administer medicated feed the following morning. Do not withhold water during fasting. Do not treat within 72 hours of slaughter. Salivation or muzzle foam may be observed. The reaction will disappear a short time after feeding. If pigs are infected with mature lungworms, coughing and vomiting may be observed. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. April 28, 1978.

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

Dated: April 24, 1978.

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

[FR Doc. 78-11547 Filed 4-27-78; 8:45 am]

[4110-03]

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Change of Generic Drug Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect a change in generic name of one of the active ingredients in two of The Upjohn Co.'s combination drug products. The change in generic name will make the regulations' nomenclature consistent with that currently used by The Upjohn Co. and that specified by "United States Adopted Names" (1977 Ed.).

EFFECTIVE DATE: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, Mich.

49001, filed supplemental new animal drug applications (NADA's) for their combination drug products Neo-Predef with Tetracaine Ear-Topical Powder (NADA 15-433) and Tritop Ear-Topical Ointment (NADA 30-025). Both supplements have incorporated a change in nomenclature from 9-alpha fluoroprednisolone acetate to isoflupredone acetate. These actions have not required reevaluation of the parent NADA's and do not constitute a reaffirmation of the safety and effectiveness of either drug.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 524 is amended, in §§ 524.1484b and 524.1484c by deleting "9-fluoroprednisolone acetate" from the section headings and paragraphs (a) and inserting in its place "isoflupredone acetate," to read as follows:

§ 524.1484b Neomycin sulfate, isoflupredone acetate, tetracaine hydrochloride, and myristyl-gammapicolinium chloride, topical powder.

(a) *Specifications.* The product contains 5 milligrams of neomycin sulfate, equivalent to 3.5 milligrams of neomycin base, 1 milligram of isoflupredone acetate, 5 miligrams of tetracaine hydrochloride and .2 milligram of myristyl-gamma-picolinium chloride in each gram of the product in a special adherent powder base.

* * * * *

§ 524.1484c Neomycin sulfate, isoflupredone acetate, tetracaine hydrochloride ointment.

(a) *Specifications.* The drug contains 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base), 1 milligram of isoflupredone acetate, and 5 milligrams of tetracaine hydrochloride in each gram of ointment.

* * * * *

Effective date. This regulation shall be effective April 28, 1978.

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

Dated: April 24, 1978.

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

[FR Doc. 78-11546 Filed 4-27-78; 8:45 am]

[4410-01]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: This rule exempts the below listed chemical preparations and mixtures which contain controlled substances from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations. This action is in response to applications for exemptions filed with the DEA and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective April 28, 1978, subject to being suspended, reinstated, revoked or amended by the Administrator upon consideration of any comments or objections which raise significant issues on any finding of fact or conclusion of law supporting this order, received on or about June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Chief Regulatory Control Division, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION: The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in Section 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any signficant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to the Act, and regulations of the Department of Justice and the Drug Enforcement Administration, the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

Dated: April 24, 1978.

PETER B. BENSINGER,
Administrator.

a. Section 1308.24(i) is amended by deleting the following:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Labs	HTSH RIA diagnostic kit No. 7504	Kit: 50 units	Sept. 25, 1974.
Bio-Reagents & Diagnostics, Inc	Ortho anticonvulsant control serum product No. 9085.	Bottle: 10 ml	Sept. 15, 1976.
Dow Chemical Co	Iodine-125 triiodothyronine lyophilized	Vial: 20.5 ml	May 22, 1975.
Do	Antitriiodothyronine serum lyophilized	do	Do.
Do	ANSA buffer lyophilized	do	Do.
Do	Dextran lyophilized	do	Do.
Do	Activated charcoal, T3 RIA	Vial: 3 g	Do.
Hyland—Division Travenol Labs., Inc	T-1	Vial: 50 ml	Jan. 4, 1977.
Do	T-2	do	Do.
Do	T-3	Vial: 20 ml	Do.
Do	T-4	do	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 50 ml	Do.
Do	T-7	do	Do.
Do	T-8	Vial: 20 ml	Do.
Do	T-9	do	Do.

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Do	T-11	Vial: 50 ml	Do.
Do	T-12	do	Do.
Do	T-13	Vial: 20 ml	Do.
Do	T-14	do	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 50 ml	Do.
Do	T-17	do	Do.
Do	T-18	Vial: 20 ml	Do.
Do	T-19	do	Do.
Mallinckrodt Nuclear [1]			May 22, 1977.
Sigma Chemical Co	Phenobarbital Prod. No. 3646	Sealed ampule: 1 ml	June 30, 1977.

[1]Delete name only. Name has been changed to Mallinckrodt, Inc.

§ 1308.24 [Amended]

b. Section 1308.24 is amended by amending the table in paragraph (i) and by adding a new paragraph (j)(2) to read as follows:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Abbott Labs	HTSH RIA diagnostic kit No. 7504 and No. 5780.	Kit: 50 tests, 100 tests	Sept. 21, 1977.
Do	Polyethylene glycol 6000, 16% solution in 0.09 *M* barbital buffer, No. 7541.	Plastic bottle: 150 ml., 100 ml	Do.
Amersham Corp	[N-methyl-$^{3}_{H}$] Diazepam catalog code: TRK.572.	Multidose glass vial: 56mm×25mm.	Sept. 28, 1977.
Do	[2-$^{14}_{Cl}$] Diazepam catalog code: CFA.592	do	Do.
Do	T-3 RIA (PEG) kit code IM.96	Kit: 50 tests	Sept. 20, 1977.
Do	T-3 RIA (PEG) kit code IM.961	Kit: 100 tests	Do.
Do	Liothyronine I^{125}	Vial: 15 ml	Do.
Do	Anti-T-3-serum	do	Do.
Do	T-4 RIA (PEG) kit code IM.924	Kit: 400 tests	Jan. 3, 1978.
Do	Thyroxine I^{125} solution	Vial: 25 ml	Do.
Do	Anti-T-4-serum	Bottle: 100 ml	Do.
Antibodies Inc	T_3 RIA kit	Kit: 100 tests	Nov. 29, 1977.
Do	T_4 RIA kit	do	Do.
Do	T_3 Uptake kit	do	Do.
Do	AEID kit	Kit: 70 tests	Do.
Do	^{125}I T_3 second antibody buffer	Brown glass bottle: 250 ml	Do.
Do	^{125}I T_4 second antibody buffer	do	Do.
Do	Buffered ^{125}I Triiodothyronine	do	Do.
Do	AEID barbital buffer pH 8.6	Glass vial: 29.7 gm	Do.
Bio-Rad Labs	Quantimune Neonatal T-4 Radioimmunoassay kit.	Kit: 250 tests	Sept. 9, 1977.
Do	Quantimune Neonatal T-4 Radioimmunoassay Tracer, I^{125}.	Vial: 10 cc	Do.
Do	Barbital buffer powder	Plastic bottle: 250 cc	Do.
Bio-Reagents & Diagnostics, Inc	Ortho anticonvulsant control serum product No. 9085.	Bottle: 10 ml	Oct. 12, 1977.
Clinical Assays Division of Travenol Labs., Inc	(^{125}I) Human TSH Radioimmunossay kit	Kit: 125 determinations	Nov. 16, 1977.
Do	Rabbit anti-human TSH serum, CA-141	Glass vial: 20 ml	Do.
Do	Human TSH blank CA-241	Glass vial: 6 ml	Do.
Do	Human TSH standards, CA-242 2.0 uIU/ml, CA-243 5.0 uIU/ml, CA-244 10 uIU/ml, CA-245 20 uIU/ml, CA-246 50 uIU/ml.	Glass vials: 2 ml	Do.
Do	(^{125}I) Human TSH Tracer, CA-679	Glass vial: 6 ml	Do.
Do	Phenobarbital Serum Standards	Kit: 500 Determinations, 50 determinations.	Do.
Do	CA-380 Phenobarbital Serum Standard 1:101 dilution of 1.0 ug/ml.	Septem sealed glass vial: 2 ml	Do.
Do	CA-381 Phenobarbital Serum Standard 1:101 dilution of 3.0 ug/ml.	do	Do.
Do	CA-382 Phenobarbital Serum Standard 1:101 dilution of 10 ug/ml.	do	Do.
Do	CA-383 Phenobarbital Serum Standard 1:101 dilution of 30 ug/ml.	do	Do.
Do	CA-384 Phenobarbital 1:101 dilution of 100 ug/ml.	do	Do.
Do	Anticonvulsant Drug Controls	Kit: 500 Determinations, 50 determinations.	Do.
Do	CA-419 Anticonvulsant Drug Control, Level I.	Septem sealed glass vial: 2 ml	Do.
Do	CA-420 Anticonvulsant Drug Control, Level II.	do	Do.
DCA Diagnostic Corporation of America	FeRRONEX™ kit	Kit: 30 tests, 8 tests	Dec. 15, 1977.
Do	^{59}Fe in Barbital Buffer	Glass screwcap vial: 15×75 mm	Do.
Do	Resin	do	Do.
Do	MAAT-3™ kit	Kit: 400 tests, 200 tests, 50 tests.	Do.
Do	Macroaggregated Albumin and ^{125}I-T3	Polyethylene bottle: 8 oz., 2 oz.	Do.
Dow Chemical Co	T3 Uptake Reagent Set	Kit: 50 tests	Oct. 12, 1977.
Do	^{125}Iodine Triiodothyronine (T3) Reagent	Amber glass bottle: 4 fl. oz	Do.
Do	Total Thyroxine (RIA) Reagent Set	Kit: 50 tests	Do.
Do	^{125}Iodine Thyroxine Reagent	Amber glass bottle: 12 ml	Do.
Do	Thyroxine Antiserum	do	Do.
Do	Polyethylene Glycol Reagent	Plastic bottle: 4 fl. oz	Do.
Fisher Diagnostics	Tri-Level Anti-Convulsant/Theophylline Drugs Control.	Glass vial: 10 ml	Oct. 27, 1977.
HYLAND-Division Travenol Labs., Inc	T-1	Vial: 50 ml	Jan. 13, 1977.
Do	T-2	Vial: 20 ml	Do.
Do	T-3	do	Do.
Do	T-5	do	Do

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Do	T-6	Vial: 50 ml	Do.
Do	T-7	Vial: 20 ml	Do.
Do	T-8	do	Do.
Do	T-10	do	Do.
Do	T-13	do	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 50 ml	Do.
Do	T-17	Vial: 20 ml	Do.
Do	T-18	do	Do.
Do	T-20	do	Do.
Do	T-20	do	Do.
Mallinckrodt, Inc.	SPAC ™ T4 RIA Kit	Kit: 500 tests	Sept. 15, 1977.
Do	T4 I^{125} Reaction Solution	Screwcap bottle: 8 oz	Do.
Do	T4 Standard (2.0 ug%)	Screwcap vial: 5 ml	Do
Do	T4 Standard (5.0 ug%)	do	Do.
Do	T4 Standard (10.0 ug%)	do	Do.
Do	T4 Standard (20 ug%)	do	Do.
Do	T4 Standard (40 ug%)	do	Do.
Monobind, Inc.	Triiodothyronine Radioimmunoassay Test System.	Kit: 100 tests	Nov. 8, 1977.
Do	Monobind T3 Tracer Reagent	Wheaton glass container: 55 ml.	Do.
Do	Monobind T3 Antibody Reagent	Test tube w/cap: 70 ml	Do.
Do	Thyroxine Radioimmunoassay Test System	Kit: 100 tests	Do.
Do	Monobind T4 Tracer Reagent	Wheaton glass container: 55 ml.	Do.
Do	Monobind T4 Antibody Reagent	Test tube w/cap: 70 ml	Do
Do	TSH Radioimmunoassay Test System	Kit: 100 tests	Do.
Do	Monobind TSH Tracer Reagent	Wheaton glass container: 10.5 ml.	Do.
Do	Monobind TSH Non-Specific Buffer	Wheaton glass 1.05 ml	Do.
Do	Monobind TSH Antibody Reagent	Test tube w/cap: 10.5 ml	Do.
Do	Monobind TSH Precipitating Reagent	Plastic container w/cap: 105 ml.	Do.
Nichols Institute Diagnostics	Parathyroid Hormone (PTH) Radioimmunoassay.	Kit: 100 tests	Oct. 18, 1977.
Do	Reagent A	Glass bottle: 50 ml	Do.
Do	Reagent B	Glass bottle: 15 ml	Do.
Do	Reagent Blank	Glass bottle: 5.0 ml	Do.
Do	PTH Standards	dol	Do.
Do	PTH Controls	do	Do.
Nuclear Diagnostics, Inc.	SPINSEP-TBG *Reagent*	Polypropylene bottle: 105 ml	Dec. 15, 1977.
SIGMA Chemical Co.	Phenobarbital Prod. No. 3643	Sealed ampule: 1 ml	June 30, 1977.
Do	Ammonia in Plasma Kit	Kit: 100 tests, 30 tests	Dec. 13, 1977.
Do	Ammonia Reagent Stock No. 170-10	Vial: 30 cc	Do.

(j) * * * (2) Emit® Phenobarbital Enzyme Reagent B. In one liter quantities each with a 5 ml. retention sample for repackaging as an exempt chemical preparation only.

[FR Doc. 78-11605 Filed 4-27-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 888-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revisions to Calaveras County Air Pollution Control District's Rules and Regulations in State of California; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency takes action to correct a clerical error made in an earlier final rulemaking FEDERAL REGISTER notice concerning the rules and regulations of the Calaveras County Air Pollution Control District (APCD) in the State of California. This correction reinstates portions of the regulation for source recordkeeping and reporting which were inadvertently deleted due to a clerical error. This regulation is effective in a number of APCD's in California which do not have approved source recordkeeping and reporting rules.

EFFECTIVE DATE: May 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wayne Blackard, 415-556-7288.

SUPPLEMENTARY INFORMATION: On May 11, 1977 (42 FR 23803) EPA took final action to approve revisions to the Calaveras County APCD's rules and regulations, with certain exceptions. As part of that action, Rule 408, Source Recordkeeping and Reporting, was approved and the disapproval notice and substitute regulation in 40 CFR 52.234 (a) and (d) were rescinded, with respect to the Calaveras County APCD.

However, in the regulatory portion of the action rescinding the substitute regulation in 40 CFR 52.234(d), a clerical error was made in that five asterisks should have followed subparagraph (d)(1). The effect of this error was to delete the remainder of § 52.234(d), specifically subparagraphs (d) (2) and (3). This action corrects that clerical error and reinstates subparagraphs (d) (2) and (3) of § 52.234. The requirements of § 52.234 are applicable in certain APCD's in California that do not have approved source recordkeeping and reporting rules.

Since this notice does not impose any new requirements, and merely corrects a clerical error made in the May 11, 1977 FEDERAL REGISTER notice, the effective date of this correction is May 11, 1977.

Specifically, the correction is as follows:

In FR Doc. 77-13413 appearing at page 23803 in the FEDERAL REGISTER of May 11, 1977, paragraph (d) of § 52.234 is corrected by adding five asterisks in a row as the last line of this paragraph.

Dated: April 18, 1978.

FRANK M. COVINGTON,
Acting Regional Administrator.

[FR Doc. 78-11504 Filed 4-27-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 7; Docket No. 73-64]

PART 528—SELF-POLICING SYSTEMS

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This rule amends the self-policing rules of the Commission by requiring that self-policing of Commission approved carrier agreements be done by persons not otherwise employed by or having any financial interest in a party to such agreement. This rule requires that self-policing include self-initiated investigations. This rule also amends the reporting requirements to include a more precise description of the self-policing activities. The purpose and effect of these regulations is to provide for better self-policing.

DATE: To become effective July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTAL INFORMATION: This rulemaking was initiated pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 841) to enunciate and define the standards by which the Commission determines whether a particular ratemaking agreement is not adequately self-policed and therefore must be disapproved under section 15 of the Shipping Act, 1916. Furthermore, this rulemaking was intended to change the reporting requirements of self-policing activities in order to improve the ability of the Commission to determine whether a particular agreement is being effectively policed.

In response to the proposed rules (38 FR 28841, October 17, 1978), many comments were received which were replied to by Hearing Counsel. Hearing Counsel's replies were answered by many of the original commentators. All of these comments have been considered by the Commission in promulgating the final rules. However, before the amended rules and the acceptance or rejection of the proposals of the commentators are explained, we think it is necessary to examine the rationale underlying "self-policing" as required by section 15 of the Shipping Act, 1916.

Section 1 of the Sherman Antitrust Act declares every contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce to be illegal.[1] In interpreting that section, the Supreme Court has stated that "there are certain agreements or practices which because of their pernicious effect on competition and lack of any redeeming virtue are conclusively presumed to be unreasonable and therefore illegal * * *."[2] Among the practices deemed to be unlawful in and of themselves are price fixing,[3] division of markets,[4] group boycotts,[5] and tying arrangements.[6]

Nevertheless, Congress has determined, first in 1916 and then again in 1961, that the transnational and nationalistic promotional setting in which the ocean liner industry operates is so commercially unique that there may be redeeming factors which make agreements fixing prices, dividing markets, or creating tying arrangements not only reasonable but desirable. Therefore, if the parties to an agreement which would otherwise be illegal per se can show that such agreement is required to fill a serious transportation need, necessary to secure important public benefits, or is in furtherance of a valid regulatory purpose of the Shipping Act, 1916, then it may be approved and receive immunity from the penalties of the Sherman Antitrust Act.[7]

However, when the Bonner Act amendments to the Shipping Act were passed in 1961, a requirement of effective self-policing was incorporated into section 15 as quid pro quo for antitrust immunity.[8] Thus, the duty to adquately self-police stems not from a finding by the Federal Maritime Commission of a need for policing, but rather is an obligation imposed by law. Furthermore, self-policing is an obligation which cannot be fulfilled pro forma but is one which requires effective positive conduct on the part of the conferences in return for continued recognition of the conference system.

Section 15 of the Shipping Act, 1916, requires the Federal Maritime Commission to determine which self-policing systems are effective and which are not and to disapprove those agreements which are inadequately policed. Hence, we have undertaken this rulemaking to prospectively determine and enunciate some of the standards by which self-policing systems will be judged to be adequate or inadequate.

Such a prospective determination and enunciation of some of the standards to be used in the future is not to be confused with adjudication as to whether those standards have been met in a particular case.[9] Although many parties contest the authority of the Commission to set such standards by rulemaking,[10] it is well settled that the Commission may make use of its rulemaking authority under section 43 of the Shipping Act, 1916, to define and articulate enforceable standards[11] to be used to judge the adquacy or inadequancy of self-policing.[12] In fact, a rulemaking proceeding appears to be both superior and preferable to case by case adjudication for the purpose of defining and articulating the standards a regulatory agency must enforce.[13]

The proposed standards have been set forth as minimum requirements for inclusion in section 15 agreements. Any agreement which does not contain these required provisions will be presumed to not meet these standards of adequate policing and therefore may be found to be inadequately policed.[14]

Set forth below is a discussion of the self-policing rules themselves and an explanation of the changes which have and have not been made.[15]

---

[1] 15 U.S.C. 1.

[2] *Northern Pacific Ry.* v. *United States*, 356 U.S. 1, 5 (1958).

[3] *United States* v. *Socony-Vacuum Oil Co.*, 310 U.S. 150, 218 (1940).

[4] *United States* v. *Addyston Pipe and Steel Co.*, 85 F. 271 (6th Cir. 1898).

[5] *Fashion Originators' Guild of America* v. *F.T.C.*, 312 U.S. 457, 464 (1941).

[6] *International Salt Co.* v. *United States*, 332 U.S. 392, 396 (1947).

[7] *F.M.C.* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968).

[8] Report on the Ocean Freight Industry, Antitrust Subcommitte, Committee on the Judiciary, H.R. Rep. No. 1419, 87th Cong., 2d Sess. (1972).

[9] *Pacific Coast European Conference* v. *United States*, 350 F. 2d 197 (9th Cir. 1965).

[10] "This contention (that the Commission may proceed only on a case by case basis) has the antique virtues of simplicity and straightforwardness. The difficulty is that it is a doctrinal archaism in modern administrative law. It comes, indeed, at a time when many knowledgeable voices have been urging the agencies to make greater, rather than less, use of their rule-making authority in the interest of more precise definition of decisional standards." *Pacific European Conference* v. *F.M.C.*, 376 F. 2d 785 (D.C. Cir. 1967).

[11] *Id.* at 788, 789; *Pacific Coast European Conference* v. *F.M.C.*, 439 F. 2d 514, (D.C. Cir. 1970); *Cf. H. Friendly, The Federal Administrative Agencies, the Need for Better Definition of Standards* (1967).

[12] *Outward Continental North Pacific Freight Conference* v. *F.M.C.*, 385 F. 2d 981 (D.C. Cir. 1967).

[13] *CIBA-Geigy Corp.* v. *Richardson*, 446 F. 2d 466 (2d Cir. 1971).

[14] "The Commission can reasonably 'find', without the necessity of an extended evidentiary hearing, that any conference which refuses to adopt and communicate to the Commission an outline of its policing methods does not adequately police its members." *Outward Continental North Pacific Freight Conference* v. *F.M.C.*, 385 F. 2d 981, 984, 984 (D.C. Cir. 1967).

[15] We are denying the request made by one commentator that the Commission stay these rules pending adoption of the UNCTAD Code of Conduct for Liner Conference Convention. Not only does the UNCTAD code fail to address many of the issues treated by these rules, but the United States is not presently a signatory to the convention.

SECTION 528.1 SCOPE AND PURPOSE

There have been no substantive changes in § 528.1 from that proposed.

SECTION 528.2 GENERAL REQUIREMENTS; SECTION 15 AGREEMENTS

The primary change proposed in this section was that self-policing would have to be carried out by neutral persons or bodies. This proposal recognized that policing by a conference chairman or secretary is necessarily ineffective because the demands of other duties and responsibilities do not leave enough time, nor are they able to devote sufficient attention, for the effective discharge of the self-policing functions. While the final rules promulgated herein retain the neutrality requirement generally, an exemption is provided in new § 528.4 where it can be demonstrated that the duties of the conference personnel entrusted with the self-policing functions, are minimal, the Agreement is limited, the parties to the agreement are small and the trade relatively free of malpractices.

We find, however, that it is desirable that the self-policing body be otherwise independent of the members to the agreement. No member or employee of the policing authority may be retained or employed by or financially interested in any party to the agreement. Since the policing authority will have access to the confidential business records of the members to the agreement, it is absolutely essential that the policing authority not have any connection with or financial interest in any of the members to the agreement. However, if the policing authority is an independent certified public accountant with no connection with a member line other than as an independent contractor, there is little likelihood of compromise of such confidential business records or chance that any bias will enter into the implementation of the functions of the policing authority. As the Commission has noted:

> In view of the fact that the Neutral Body functions are fact finding rather than judicial; that the conclusive facts are usually, if not always, obtained from the books of account and records of the accused; that accounting firms are uniquely qualified both professionally and by procedural and ethical standards, to perform this work; that fees are paid on the basis of time devoted to a case, and without regard to whether the complaint of malpractice is sustained or dismissed; that there is no evidence of actual bias or non neutrality relating to any of the firms heretofore used; and that the application of unduly broad exclusions will disqualify or bring about the disinterest of most, if not all, of the otherwise eligible firms, thereby destroying this self-policing system, contrary to the public interest and to the detriment of commerce, it is found that a Neutral Body should not be disqualified because of a disclosed business relationship, i.e., independent contractor for professional or business services, with a conference member line other than the accused.[16]

However, even an independent certified public accountant would be put into an untenable conflict of interest situation in cases where a firm would be called upon to investigate a client. In such situations the independent certified public accountant should not make the investigation and another independent certified public accountant without such connections with the investigated party should take its place.

Contrary to the assertions of some commentators, this neutrality requirement does not dictate employment practices or require one particular method or procedure of self-policing. We believe that this requirement is sufficiently flexible to accommodate any adequate self-policing system which a conference wishes to employ.

Another proposed amendment to § 528.2 was to broaden the scope of the self-policing rules to apply to all rate-fixing agreements between persons subject to the Shipping Act, 1916. However, the rules were primarily intended to apply to carriers by water and this proceeding had demonstrated that the application of the self-policing rules to terminal rate agreements and other parties involve factors which should be considered separately. The application of these rules will therefore be confined to conference and other rate-fixing agreements between common carriers by water.

The rules have also been amended to more clearly state the requirements in the proposed rules that: (1) a policing authority must be established, (2) the functions and authority of the policing authority must be stated, and (3) the method or systems used to police the obligations under the agreement must be described. These changes were prompted by comments to the effect that the existing rules requiring a description of "the function and authority of every person having responsibility for administering the system" seem to require that the officer administering the self-policing system be personally named in the conference agreement. That was not the intent of the rule. The intend of the rule was, and is, to require that someone be invested with the power to investigate, adjudicate, and penalize any deviation from the rate-fixing agreement. The members to an agreement may accomplish these tasks by establishing one or more self-policing entities, as they wish. Nevertheless, the functions and authority of each of those entities must be described so that we can ascertain how the policing functions are apportioned and, more importantly, that all required self-policing functions are actually delegated and carried out. The names of the person or persons heading the policing authority and description of their staff, facilities, and budget must be made available to the Commission only on request.

With regard to self-policing procedures, investigations of malpractices or other violations of the agreement which come to the attention of the policing authority in any manner must be undertaken.

Section 528.2, as proposed, also requires self-initiated investigations. We think it is obvious that in order for self-policing system to be effective, the policing authority must make investigations sua sponte.[17] While we are not prepared to establish all the kinds of investigations which must be carried out and set a minimum frequency for each type of self-initiated investigation, it is imperative that each conference does establish, for itself, a program of self-initiated investigations such as surprise audits of books, and examination of records, billings, classifications, bills of lading and other documents.

Further, investigations, whether pursuant to a complaint or sua sponte, cannot be effective unless the policing authority is authorized to examine or inspect any books, records, billings, classifications, bills of lading, or other documents, cargo and containers, ships, property, and facilities. The agreement must, therefore, provide for such authorizations.

A question has been raised regarding the constitutionality of requiring members to submit to surprise audits and other investigations. It was alleged that this provision would violate the constitutional guarantee against unreasonable searches and seizures. Since there is no search or seizure by the Government and no criminal action is contemplated, we do not believe there is a constitutional impediment involved.

The effect of the laws of other nations upon the access of the policing authority to member records has also been brought into question. However, no law of another nation was cited, nor do we know of one, which would preclude a member from giving its records to one of its own agents. The policing authority's access to member records is essential for effective self-policing and is not a requirement that can be waived.

SECTION 528.3 SELF-POLICING PROVISIONS; SPECIFIC REQUIREMENTS

There were no proposed amendments to section 528.3 However, comments were received questioning the use of the phrase "liquidated damages" in this section. As we have already discussed, the concept of self-policing is based upon the ability of the

[16] Final Report quoting Initial Decision, *Agreement 150-21*, 9 F.M.C. 355, 367 (1966).

[17] Report on Ocean Freight Industry, supra, n. 10 at 314.

conference to collect damages for breach of contract. The amount of damages for each breach may be calculated upon the amount of the actual damages shown for each particular occurrence or may be calculated in advance (liquidated damages) for each type of breach so that the actual damages do not need to be proven each and every time that type of breach occurs. Because these rules require an advance statement of the amount of damage for each type of breach, the use of the term "liquidated damage" is accurate. Nevertheless, the damages are calculated in the context of "policing" and, therefore, the Commission recognizes the use of terms such as violation, fine, settlement, offense, or punishment, by the industry in place of the term "liquidated damages." The Commission has indicated in previous proceedings that the concept, not the terminology, is of importance.

We have also considered the assertion that a distinction should be made in this section between malpractices (defined by a commentator as deliberate acts intended to secure unfair competitive advantage) and misratings (defined by a commentator as inadvertent clerical error), and that only malpractices should be made subject to self-policing sanctions. Although we do not object to a conference establishing separate investigative bodies for different classes of breaches of their agreement, as long as they comply with the self-policing rules, we do not agree that so-called "misratings" should not be subject to self-policing sanctions. Misratings can be an effective and disguised method of rebating and should therefore be one of the prime concerns of an effective self-policing program. The introduction of an exception for misratings could offer an opportunity for abuse and virtually emasculate the self-policing rules.

We are also not in agreement with the contention that the right of appeal to neutral arbitrators should be rescinded. Impartial adjudication by persons not connected with the investigation or prosecution is a feature which both the Commission and the courts[18] have found to be important and necessary.

One commentator also objected to the provisions of paragraph (c) of this section requiring appeals by the complainant or conference and review de novo. The commentator misread the rule, in one respect, in that a de novo review is required, not a de novo trial. The right of appeal argument of this commentator is not persuasive. The reasons for requiring appeal to be given to the complainant and the conferences were set forth by the Commission in a previous rulemaking. 35 FR 16679, October 28, 1970. That rationale continues to be valid.

A proposed addition to section 528.4 was that the reporting of the self-policing activities be done by a coded number for each violator. Numerous commentators objected on the grounds that the code could easily be broken, thus destroying the confidentiality necessary for effective policing and subjecting the parties to the perils of "double jeopardy."

We find these comments to be devoid of merit. There is no "double jeopardy" when a person becomes subject to penalties for violating both his contractual obligations and the criminal statutes of the United States. The question of the efficacy of reporting violations by a coding system does not revolve around the false issue of "double jeopardy" but rather depends upon how the powers of the Commission to surveil the self-policing activities, through the medium of required periodic reporting, can best be used to encourage effective self-policing and uncover ineffective self-policing.

However, there appears to be a concern about how the Commission's enforcement activities affect self-policing activities. It is asserted that it is unreasonable to expect carriers to willingly establish and finance an effective self-policing system if the self-policing records are routinely used to prosecute the members for statutory violations.

While we recognize that it is important to use the enforcement powers of the Commission in such a manner as to promote and not to discourage effective self-policing, we also have a duty to enforce the provisions of the Shipping Act, 1916. Further, the requirement to self-police contained in section 15 of the Shipping Act was not intended to limit the Commission in carrying out its enforcement function. We, therefore, will make every effort to encourage and cooperate with the self-policing authorities, and at the same time will remain committed to the use of enforcement powers to whatever degree necessary to free our waterborne commerce of Shipping Act violations.

The reporting of agreement violations gives the Commission some evidence of how effectively the self-policing activities are being administered. Therefore, the periodic reports must state how many violators are caught. Another indication of the effectiveness of self-policing is the frequency of recidivism. We are therefore requiring the report to state the number and general description of other violations by the carrier involved (without identifying it or listing it by number), in the 5 years preceding the date of the finding of the violation. We believe this information, along with the specific and detailed description of the offense and the exact amount of the penalty (liquidated damages), will enable the Commission's staff to ascertain how effectively the self-policing obligations are being carried out.

Questions have also been raised as to how specific a "specific" description needs to be. Clearly something more than a mere category is required. Statements such as "violation of conference agreement," "rebate," or "misrating" are insufficient. A partial recital of the facts of each case is necessary so that the Commission may ascertain whether specific complaints are effectively and efficiently investigated.[20] The Commission staff occasionally refers the facts of an alleged breach of an agreement to the conference policing authority for disposition. Usually these occurrences have taken place in a foreign country where the conference can more easily make a complete investigation than can the Commission. Thus a recital of the essential facts of each completed investigation in the semi-annual report will allow the staff to ascertain how the referred complaint has been handled without the necessity of securing separate follow-up reports from the conference. Special reports may be solicited when conference action on a referred complaint is neither forthcoming nor apparent from the semi-annual reports. Such reporting will also enable the staff to assess the effectiveness of conference investigations of alleged breaches of which the Commission has independently become aware.

The specific description of the offense also allows the staff to evaluate the level of the penalty (liquidated damages) in terms of how effectively self-policing sanctions are being used to deter breaches and how vigorously recidivistic behavior is discouraged. The Commission does not believe that a statement of the exact amount of the penalty (liquidated damages) is in any way adverse to the administration of an effective self-policing program. Quite to the contrary, we believe that more detailed and specific reporting requirements introduce an element of accountability which has been lacking to date and should prove to be an incentive for more effective policing. The fact that some carriers do not want to know the amount of the fine levied by their self-policing authorities against other lines does not necessarily indicate to us that their primary concern is with better enforcement and certainly is not persuasive that this provision is in any way contrary to the intent of these rules.

Furthermore, the comparison of penalties (liquidated damages) according to the circumstances of each case, will not lead to controversy between

[18] *States Marine Lines, Inc.* v. *Federal Maritime Commission*, F. 2d 230 (D.C. Cir. 1967); In re Modification of the Self-policing Provisions of Agreement No. 1509, 3103, 11 F.M.C. 434 (1968).

[20] If a particular occurrence involved a rebate, for example, the report must state how the rebate was made and the amount of the rebate: e.g., cash rebate, $2,500; or indirect rebate of $1,500, shipment described as 10 measurement tons of x at $50 a ton, actually 10 measurement tons of y which has tariff rate of $65 a ton.

lines unless the penalties are so arbitrary that they should be exposed anyway. The concern is unfounded that the Commission staff cannot appreciate the circumstances which the conference may take into account for mitigating penalties (liquidated damages), unless, of course, those circumstances are purposefully left out of the semi-annual policing reports.

The necessity of the negative reporting requirement of this section has also been questioned. However, the negative reporting requirement serves a useful purpose in informing the Commission that the conference, or parties to a ratemaking agreement, have no policing activities to report, as opposed to merely being delinquent in filing their reports. Because self-policing programs must have self-initiated investigations as well as investigations of complaints in order to be effective, it is quite important to distinguish between inactivity and delinquent reporting.

SECTION 528.5 FILING OF AMENDMENTS TO APPROVED AGREEMENTS

This section has been changed to require the filing of amendments to existing agreements to conform with this rule to be filed on or before July 1, 1978.

In preparing these rules for publication, we have become aware of some further problems and inadequacies in the proposed rules. For example, it is clear that the proposed rules in §§ 528.2 and 528.3 would require a functionally separate policing authority and impartial adjudicator. We have, therefore, incorporated such a statement into § 528.2

The rules have also been reorganized into a more logical and comprehensive format. For example, § 528.2 sets forth the general requirements for section 15 agreements. Furthermore, the minimum requirements for policing authorities and impartial adjudicators have been set forth in new sections of their own (sections 528.4 and 528.5, respectively).

The new § 528.3 governing the specific requirements of self-policing provisions is, for the most part, a restatement of the requirements under section 528.3 of the existing rules, which were not proposed to be changed. However, paragraph (c), which sets forth the requirements for investigation of violations, has been relocated.

The minimum requirements for policing authorities (section 528.4) have been extensively rewritten. The requirements of qualified personnel, adequate staff, facilities, and budget have been made to explicitly apply to all policing authorities.

As indicated above, the general requirement in section 528.4 for the use of a neutral body allows for an exemption upon a showing that the officer's or employee's other duties will not unduly interfere with the policing duties, and the need for vigorous policing is not great because of the nature of the agreement, the scope of the trade, and the history of violations.

This section also allows independent certified public accountants under specified conditions, to act as the policing authority without violation of the neutrality requirements, even though such accountant has a client which is a member of the Agreement. The rule has also been amended to accommodate policing entities such as those set up by the Associated North Atlantic Freight Conferences.

The section setting forth the minimum requirements for impartial adjudicators (§ 528.5) is, for the most part, a restatement of the requirements of § 528.3 in the present rules.

The reporting requirements (§ 528.6) have been amended by deleting the coding and emphasizing the reporting of the activities of the policing authorities and the results of their investigations.

Therefore, pursuant to sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820 and 841(a)), part of 528 of title 46 CFR is hereby amended to read as follows:

Sec.

528.1 Scope and purpose.
528.2 General requirements for section 15 agreements.
528.3 Self-policing provisions; specific requirements.
528.4 Policing authorities; minimum requirements.
528.5 Impartial adjudicators; minimum requirements.
528.6 Reporting requirements.
528.7 Filing of amendments to approved agreements.
528.8 Two party rate-fixing agreement exemption.

Authority: The provisions of this part are issued under sections 15, 21, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, 833(a), and 841(a)).

§ 528.1 Scope and purpose.

Section 15 of the Shipping Act, 1916 provides that the Commission shall disapprove any agreement required to be filed under that section, after notice and hearing, on a finding of inadequate policing of the obligations under such agreement. The Act, thus contemplates that self-policing provisions shall be included in certain section 15 agreements and that the Commission shall be kept informed of the manner in which such self-policing provisions are being implemented. Furthermore, section 43 of the Shipping Act, 1916, requires the Commission to make such rules and regulations as may be necessary to carry out the provisions of the Act. The requirements set forth in this part are designed to aid the Commission in determining the existence and the adequacy of self-policing provisions, to inform the Commission as to the manner in which such self-policing provisions are implemented and to establish standards for determining when section 15 agreements are inadequately policed. The requirements of this part notwithstanding, each conference or other rate-fixing agreement has the obligation to police itself and evidence of rebating or other malpractices shall be prima facia evidence of inadequate self-policing.

§ 528.2 General requirements for section 15 agreements.

Each conference agreement and other rate-fixing agreements between common carriers by water in the foreign or domestic offshore commerce of the United States, whether or not previously approved, shall contain provisions establishing and describing a self-policing system. The self-policing provisions shall describe the method or system, and the standards, used to investigate, prosecute, and adjudicate breaches of the agreement by common carriers by water which are signatory to the paticular agreement (hereinafter referred to as "members") and by persons, firms, associations, or corporations that are agents of a member or have a corporate relation with a member (hereinafter referred to as "associates"). Such agreements shall also contain provisions establishing a policing authority and an impartial adjudicator which shall be functionally separate and distinct from such policing authority. The agreement shall describe the functions and authority of each of these two entities.

§ 528.3 Self-policing provisions; specific requirements.

Conference agreements and other rate-fixing agreements between common carriers by water in the foreign or domestic offshore commerce of the United States shall include the following in the self-policing provisions required under § 528.2:

(a) *Breaches* (general). A statement that any malpractice, or violation or breach of any provision(s) of the agreement, the tariff, or the rules and regulations thereunder (referred to herein as a breach), by any members of the agreement or their associates will subject such members or associates to self-policing sanctions;

(b) *Permissable damages.* A statement specifying the maximum damages, or range of damages, or the method of calculating the damages, which may be assessed against members of the agreement upon finding that such members or their associates have committed a breach. Such statement may specify damages for specific breaches and a general category of breaches or both, and may relate to each and every breach, or to the number of times the member or associate has previously been found guilty of a breach;

(c) *Investigations of breaches.* A procedure for investigating breaches of the agreement which are the subject of complaints, either written or oral, from a member, or any other person, or indications of which are brought to the attention of the self-policing au-

thority in any other manner. Such procedure shall require the policing authority to investigate all the complaints which it receives and to make investigations sua sponte on a periodic basis, to make surprise audits, and to examine or inspect, upon demand, with or without notice and wherever located: any books, records, billings, classifications, bills of lading or other documents, cargo, containers, ships, property and facilities owned, used, or transported by any members of the agreement. The procedure shall also require all officers, employees, agents or assigns of such members to cooperate with, and freely provide information to, the policing authority or its agents.

(d) *Adjudication of breaches.* A procedure for adjudicating contested claims of breaches which affords all members of the agreement and their associates the right to a hearing before an impartial adjudicator, who shall adjudicate such claims solely and finally, either as the initial adjudicator or, upon review de novo on the record of an initial determination made by the policing authority. For purposes of this paragraph, "review de novo on the record" requires the impartial adjudicator to have full authority to affirm, modify or set aside any finding of fact, conclusion of law, or level of damages made or imposed by the policing authority.

(e) *Procedural guarantees.* A statement incorporating the following elements of fundamental procedural fairness to be given to the member or the associate thereof, which is alleged to have committed a breach (referred to herein as the accused):

(1) The accused shall be charged in writing, within a reasonable time prior to the initial hearing, and such charges shall fairly apprise the accused of the nature of the charges, so as to permit it to frame an adequate defense: Provided, That such charges need not reveal the identity of the complainant;

(2) The accused shall be furnished with all evidence within a reasonable time prior to the initial hearing: Provided, That evidence developed thereafter, shall also be furnished to the accused and a delay granted, if necessary, to allow it to frame an adequate defense, and provided that evidence which would reveal the identity of the complainant may be deleted or summarized;

(3) The adjudicator shall be furnished only such evidence as is furnished to the accused under subparagraph (2) of this paragraph, and such evidence as the accused may wish to furnish;

(4) The accused shall be given a full and fair opportunity to rebut or explain any evidence or material, and to present any evidence of mitigating or extenuating circumstances; and

(5) In reaching its decision and assessing damages, the adjudicator may consider only such evidence and material properly furnished to it pursuant to this section.

§ 528.4 Policing authorities; minimum requirements.

(a) All policing authorities must have an adequate and qualified staff, adequate facilities, and an adequate budget. The names of the person or persons heading the policing authority or employed as the policing authority and a description of their staff, facilities and budget must be provided to the Commission, upon request.

(b) The policing authority must be headed by, and composed of, persons not otherwise employed by, having any financial interest in, or affiliated with, the conference or rate-fixing group established by the Agreement, or any member or associate. Provided, however, that:

(1) An individual or association entity will not be precluded from acting as the policing authority for more than one conference agreement or other rate-fixing agreement, even if there are partially or fully overlapping memberships.

(2) An independent certified public accountant (referred to herein as an ICPA) may act as the policing authority, even though it has a client which is a member of the agreement or an associate of such member, where such relationship is disclosed prior to being named as the policing authority and it is disqualified from acting as the policing authority with respect to the member which is, or whose associate is, a client of the ICPA. If the ICPA named as the policing authority discloses that it has a member of the agreement or an associate of such member as a client, an alternate policing authority must be appointed to receive and investigate any complaints against such member or associate.

(3) Upon petition to the Commission, an exemption may be sought to allow officers or employees of the conference or rate-fixing group established under the agreement to act as the head of, or be assigned to duties under, the policing authority, if such person or persons are not otherwise employed by, affiliated with, or have any interest in, any member of the agreement or associate of such a member. All petitions for exemption must include a showing that (i) such person or persons are qualified, and would have minimal duties other than those in the policing authority, and (ii) the agreement has only a few members, applies to a narrow range of ports, the ocean liner cargo transported by the members pursuant to the agreement represents a small percentage of the total ocean liner cargo in that trade, and such trade has been relatively free of malpractices in the 5 years preceding the year when exemption is sought.

(c) The policing authority of each conference agreement or rate-fixing agreement must investigate all complaints, either written or oral, from any member of the agreement or associate of such a member or any other person, alleging a breach of the conference or rate-fixing agreement. The policing authority shall also conduct self-initiated investigations of all members of the agreement, such as inspection of books and records, surprise audits, and inspection of containers, cargo, billings, classifications, bills of lading, and other documents.

§ 528.5 Impartial adjudicators, minimum requirements.

(a) An impartial adjudicator must be a totally disinterested person or body, unaffiliated with the conference or the rate-fixing group established under the Agreement, or any member or associate thereto, and may be appointed on a permanent basis or selected on an ad hoc basis from a panel of arbitrators in accordance with the traditional rules of commercial arbitration.

(b) The impartial adjudicator must be vested with final authority to adjudicate disputes and assess damages within the scope of the self-policing system.

(c) The impartial adjudicator shall not perform any other duties under the self-policing system with regard to any matter before it for adjudication, including investigation or prosecution, or both.

§ 528.6 Reporting requirements.

(a) An officer or official to be responsible for the filing of the self-policing reports required by this section shall be designated by the conference or the rate-fixing group established under the Agreement. With respect to each such agreement, the designated officer or official shall file a report, on or prior to January 31 and July 31 of each year covering the policing and adjudicatory activities during the 6-month period immediately preceding the reporting month (July 1–December 31; January 1–June 30) with the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20473. The initial report shall be filed on or prior to January 31, 1979, and shall cover the period from July 1, 1978 through December 31, 1978.* Such reports shall contain the following information:

(1) The number of cargo inspections performed in each port (naming such port) served by the members of the agreement.

(2) The number of misdescriptions, miscubings, misweighings and other discrepancies or breaches of the agreement detected by cargo inspections.

(3) The number and location of shipping document inspections.

(4) The number of misdescriptions, miscubings, misweighings and other

*Reports covering the period from January 1, 1978 through June 30, 1978 shall conform to the reporting requirements of section 528.4, in effect on June 30, 1978.

discrepancies or breaches of the agreement detected by shipping document inspections.

(5) The number and locations of examinations of member line's office records. Describe the type of documents examined in each examination.

(6) The number of misdescriptions, miscubings, misweighings and other discrepancies or breaches of the agreement which were detected by the examination of office records.

(7) The nature of each written or oral complaint or other indication of a breach of the agreement received during he reporting period.

(8) The number of investigations conducted as a result of intelligence gathering activities.

(9) The status or findings with respect to each investigation whether based on a complaint or self initiated, which has not been reported as final in any previous report. An action may not be reported as final unless:

(i) The investigation revealed insufficient evidence to establish a breach; or

(ii) The accused has paid damages whether based on a voluntary settlement, or based on a decision rendered by the policing authority or the impartial adjudicator.

(10) With respect to each matter involving a final action, the report shall contain:

(i) A specific detailed description of the breach and the amount of the damages paid following settlement or adjudication.

(ii) A list of all other breaches committed by the member or its associates during the 5 year period preceding the final action and the damages paid for each of those previous breaches.

(b) The report shall clearly indicate those matters handled by the policing authority and those matters handled by the impartial adjudicator. The report shall be certified by the reporting officer, the head of the policing authority and the impartial adjudicator(s), as to the accuracy and the completeness of the information contained therein.

(c) In the event there are no complaints, investigations or final actions to report, and there are no investigations which have not been reported as a final action, a report so stating shall be certified and filed with the Secretary.

§ 528.7 Filing of amendments to approved agreements.

All conference agreements and other rate-fixing agreements, approved under section 15 of the Shipping Act, 1916, shall be amended as is necessary and appropriate to conform to the requirements of this Part. Such amendments shall be filed with the Commission no later than July 1, 1978.

§ 528.8 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be exempt from all requirements of this Part.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-11569 Filed 4-27-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Protection for Threatened Species of Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service hereby determines that amendment of current regulations is necessary to afford further protection to threatened species of wildlife. This action is being taken in order to correct certain regulations which currently prohibit the possession of illegally taken endangered species only, as well as their commercial transportation and sale or offer for sale in foreign or interstate commerce.

EFFECTIVE DATE: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Marshall L. Stinnett, Special Agent-in-Charge, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19183, Washington, D.C. 20236, 202-343-9242.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 16, 1977, the Service published a proposed rule and an

emergency rule in the FEDERAL REGISTER [42 FR 46561 and 42 FR 46539] to amend § 17.31(a) of Title 50 of the Code of Federal Regulations. The amendment to § 17.31(a) would insert the clauses "all of the provisions in § 17.21 shall apply to threatened wildlife, except § 17.21(c)(5)" in order to clarify a difference in treatment between endangered and threatened species under cooperative agreements.

This amendment to § 17.31(a) would correct that difference of interpretation. In the original set of regulations implementing the 1973 Endangered Species Act, it was determined that as a general rule, all of the prohibitions applying to endangered species would apply to threatened species, unless otherwise provided for in a special rule. This proposed rule was offered in keeping with that general rule. The Director of the Service solicited comments, suggestions, objections, and factual information from interested persons or organizations, to be received no later than November 15, 1977.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Sixteen public comments were received and only one organization did not support the proposed rule. That organization interpreted the proposal as a new regulation instead of a correction of a previous omission of the first amendment. However, the proposal was intended to correct a previous error; the protective regulations are not "new" regulations. The final rule is therefore adopted as proposed.

The primary author of this document is Joel McLeod, Legal Specialist, Division of Law Enforcement.

NOTE.—The Service has determined that this document is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy of 1969. Accordingly, an environmental impact statement shall not be required.

Accordingly, § 17.31 of Part 17, Title 50 of the Code of Federal Regulations, is amended to read as follows:

§ 17.31 Prohibitions.

(a) Except as provided in subpart A of this Part, or in a permit issued under this subpart, all of the provisions in § 17.21 shall apply to threatened wildlife, except § 17.21(c)(5).

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating a conservation program pursuant to the terms of a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

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

Dated: April 24, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-11572 Filed 4-27-78; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911 and 944]

HANDLING OF LIMES GROWN IN FLORIDA

Proposed Minimum Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Consideration is being given to the following proposal, which would regulate the handling of fresh Florida limes and imported limes by continuing on and after June 24, 1978, the same minimum grade and size requirements as will be in effect May 1, 1978, through June 23, 1978. In the absence of the proposed amendment, grade and size regulation of Florida limes and imported limes would expire on June 23, 1978. The proposed action is needed to provide for orderly marketing of limes in the interest of producers and consumers.

DATE: Comments must be received on or before May 12, 1978.

ADDRESS: Comments must be addressed to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposed domestic regulation would be established pursuant to the marketing agreement and Order No. 911, both as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed regulation for imported limes would be established pursuant to section 8e of the act.

Florida grown Mexican type limes shipped to destinations outside the production area would continue to be required to grade at least U.S. No. 2, with no color or minimim size requirements. Persian type limes shipped to such destinations would be required to grade at least U.S. Combinations, Mixed Color, and to measure at least 1¾ inches in diameter. Both types of limes shipped to destinations within the production area would continue to be exempted from pack, container, and grade requirements, except the minimum juice content requirement. Persian type limes so shipped would be required to be at least 1¾ inches in diameter.

Imported Mexican type limes would continue to be required to grade at least U.S. No. 2, with no color or minimum size requirements. Imported Persian type limes would be required to grade at least U.S. Combination, Mixed Color, and to measure at least 1¾ inches in diameter. The proposed action is needed to provide for orderly marketing of limes in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

1. The provisions of paragraph (a) of § 911.340 (Lime Regulation 38; 43 FR 16149) are hereby amended to read as follows:

§ 911.340 Lime Regulation 38.

Order. (a) During the period June 24, 1978, through April 30, 1979, no handler shall handle:

* * * * *

2. The provisions of paragraph (a) of § 944.205 (Lime Regulation 6; 43 FR 16149) are hereby amended to read as follows:

§ 944.205 Lime Regulation 6.

(a) On and after June 24, 1978, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

* * * * *

Dated: April 24, 1978.

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

[FR Doc. 78-11583 Filed 4-27-78; 8:45 am]

[3410-02]

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Establishment of Minimum Quality and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Consideration is being given to the following proposal, which would establish minimum quality and maturity requirements for the handling of fresh avocados grown in south Florida. The proposal would establish U.S. No. 3 as the minimum grade and would prescribe minimum weights or diameters by specified dates as the maturity requirements. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

DATE: Comments must be received on or before May 15, 1978.

ADDRESSES: Comments may be addressed to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposed requirements were recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement and Order No. 915, both as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The proposed minimum grade and maturity requirements for handling of designated varieties of avocados would be effective on and after May 29, 1978. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The purpose of the proposed regulation is to assure that fruit of the various varieties will be of suitable quality and maturity, so as to provide consumer satisfaction, which is a critical

element in disposition of the crop. Immature avocados are unpalatable and, except for a few varieties, external characteristics do not provide an adequate basis on which to distinguish immature avocados from those that will ripen into a palatable product. Hence, consumers have no rational basis for selection of satisfactory fruit.

The recommendations of the Avocado Administrative Committee reflect its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about May 29, 1978. The committee has considered and recommended the quality and maturity requirements, including shipping periods, deemed appropriate to the current season for the designated varieties and types of avocados, to prevent the handling of immature and other undesirable fruit. Such recommendation recognizes the differences in consumer demand within and outside the production area and the proposed regulation would provide the trade and consumers with an adequate supply of mature avocados of a satisfactory quality commensurate with crop conditions in the interest of producers and consumers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 915.320 Avocado Regulation 20.

(a) *Order.* (1) During the period May 29, 1978, through April 30, 1979, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in subparagraphs (10) and (11) of this paragraph, no avocados of the varieties listed in column 1 of the following table I shall be handled prior to the date listed for the respective variety in column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), (6), (7), (8), and (9) hereof.

TABLE I

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel	5-29-78	16 oz.	6-12-78	13 oz.	6-26-78		
Arue	5-29-78	16 oz.	6-12-78	14 oz. 3-3/16 in.	7-17-78		
Roland 2-2	6-12-78	22 oz.	6-26-78	20 oz.	7-17-78		
J. M. Poropat	6-19-78	20 oz.	6-26-78	18 oz.	7-17-78	16 oz.	7-31-78
Fuchs	6-19-78	14 oz. 3-3/16 in.	7-3-78	12 oz. 3-0/16 in.	7-17-78		
K-5	6-26-78	18 oz. 3-5/16 in.	7-10-78	14 oz. 3-3/16 in.	7-24-78		
Dr. DuPuis #2	6-19-78	16 oz. 3-9/16 in.	7-3-78	14 oz. 3-7/16 in.	7-17-78	12 oz. 3-2/16 in.	7-31-78
Hardee	7-3-78	16 oz. 3-2/16 in.	7-10-78	14 oz. 2-14/16 in.	7-31-78		
Pollock	7-3-78	18 oz. 3-11/16 in.	7-17-78	16 oz. 3-7/16 in.	7-31-78	14 oz. 3-4/16 in.	8-14-78
Simmonds	7-3-78	16 oz. 3-9/16 in.	7-17-78	14 oz. 3-7/16 in.	7-31-78	12 oz. 3-1/16 in.	8-14-78
Nadir	7-3-78	14 oz. 3-3/16 in.	7-10-78	12 oz. 3-1/16 in.	7-17-78	10 oz. 2-14/16 in.	7-31-78
Katherine	7-3-78	16 oz.	7-17-78	14 oz.	7-31-78		
Haile	7-3-78	20 oz.	7-17-78	16 oz.	7-24-78	14 oz.	8-14-78
Ruehle	7-17-78	18 oz. 3-11/16 in.	7-24-78	16 oz. 3-9/16 in.	7-31-78	14 oz. 3-7/16 in.	
Ruehle (Continued					8-14-78	12 oz. 3-5/16 in.	8-28-78
Alpha	7-24-78	16 oz. 3-9/16 in.	8-14-78				
Donnie	7-10-78	16 oz. 3-5/16 in.	7-24-78	14 oz. 3-4/16 in.	8-21-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dawn	7-17-78	12 oz. 3-4/16 in.	7-31-78	10 oz. 3-0/16 in.	8-14-78		
Webb 2	7-17-78	18 oz.	7-31-78	16 oz.	8-14-78		
Biondo	7-24-78	13 oz.	8-28-78				
Cash	7-17-78	16 oz.	10-2-78				
Peterson	7-24-78	14 oz. 3-8/16 in.	8-7-78	10 oz. 3-2/16 in.	8-21-78		
232	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
Gretchen	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
Trapp	7-31-78	14 oz. 3-10/16 in.	8-14-78	12 oz. 3-7/16 in.	8-28-78		
B&B	7-31-78	16 oz. 3-8/16 in.	9-4-78				
Waldin	8-14-78	16 oz. 3-9/16 in.	8-28-78	14 oz. 3-7/16 in.	9-11-78	12 oz. 3-4/16 in.	9-25-78
Pinelli	7-31-78	18 oz. 3-12/16 in.	8-14-78	16 oz. 3-10/16 in.	8-28-78		
Miguel	7-31-78	22 oz. 3-13/16 in.	8-14-78	20 oz. 3-12/16 in.	8-28-78	18 oz. 3-10/16 in.	9-11-78
Nesbitt	7-31-78	22 oz. 3-12/16 in.	8-14-78	18 oz. 3-8/16 in.	8-21-78	16 oz. 3-5/16 in.	9-4-78
Beta	8-14-78	18 oz. 3-8/16 in.	8-21-78	16 oz. 3-5/16 in.	9-11-78		
K-9	8-14-78	16 oz.	9-4-78				
Gorham	8-14-78	29 oz. 4-5/16 in.	8-28-78	27 oz. 4-3/16 in.	9-11-78		
Tower 2	8-14-78	14 oz. 3-6/16 in.	8-28-78	12 oz. 3-4/16 in.	9-18-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Shula	8-14-78	22 oz.	9-4-78				
Tonnage	8-14-78	16 oz. 3-6/16 in.	8-28-78	14 oz. 3-4/16 in.	9-4-78	12 oz. 3-0/16 in.	9-11-78
Fairchild	8-28-78	16 oz. 3-10/16 in.	9-11-78	14 oz. 3-7/16 in.	9-25-78	12 oz. 3-4/16 in.	10-2-78
Nirody	8-28-78	18 oz. 3-15/16 in.	9-11-78	16 oz. 3-12/16 in.	9-25-78		
Loretta	8-28-78	28 oz. 4-1/16 in.	10-9-78				
Black Prince	9-11-78	23 oz. 3-14/16 in.	9-25-78	16 oz. 3-9/16 in.	10-16-78		
Catalina	8-28-78	24 oz.	9-11-78	22 oz.	10-2-78		
Csonka	9-18-78	22 oz.	10-16-78				
Blair	9-11-78	16 oz. 3-8/16 in.	9-25-78	14 oz. 3-5/16 in.	10-16-78		
Collinson	9-25-78	16 oz. 3-10/16 in.	10-23-78				
Chica	9-25-78	12 oz. 3-7/16 in.	10-9-78	10 oz. 3-4/16 in.	10-23-78		
Rue	9-25-78	30 oz. 4-3/16 in.	10-2-78	24 oz. 3-15/16 in.	10-16-78	18 oz. 3-9/16 in.	10-30-78
Brooks 1978	10-9-78	10 oz.	10-16-78	8 oz.	11-13-78		
Booth 5	9-18-78	14 oz. 3-9/16 in.	10-2-78	12.oz. 3-6/16 in.	10-16-78		
Hickson	9-25-78	12 oz. 3-1/16 in.	10-9-78	10 oz. 3-0/16 in.	10-23-78		
Simpson	10-2-78	16 oz. 3-9/16 in.	10-23-78				

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Vaca	10-2-78	16 oz. 3-9/16 in.	10-23-78				
Sherman	10-2-78	16 oz.	10-16-78	14 oz.	10-30-78	10 oz.	11-20-78
Marcus	9-18-78	32 oz. 4-12/16 in.	10-2-78	24 oz. 4-5/16 in.	11-13-78		
Booth 10	10-9-78	16 oz. 3-10/16 in.	11-6-78				
Booth 7	9-11-78	18 oz. 3-13/16 in.	9-25-78	16 oz. 3-10/16 in.	10-9-78	14 oz. 3-8/16 in.	10-23-78
Avon	10-9-78	15 oz. 3-11/16 in.	10-30-78				
Booth 11	10-9-78	16 oz. 3-12/16 in.	10-30-78				
Leona	10-9-78	18 oz. 3-10/16 in.	10-23-78				
Winslowson	10-9-78	18 oz. 3-14/16 in.	10-30-78				
Nelson	10-9-78	14 oz. 3-8/16 in.	10-23-78	12 oz. 3-5/16 in.	11-6-78	10 oz. 3-1/16 in.	11-27-78
Hall	10-9-78	26 oz. 3-14/16 in.	10-23-78	20 oz. 3-9/16 in.	11-6-78	18 oz. 3-8/16 in.	11-20-78
Lula	10-16-78	18 oz. 3-11/16 in	10-30-78	14 oz. 3-6/16 in.	11-13-78	12 oz. 3-5/16 in.	11-27-78
Choquette	10-2-78	24 oz. 4-1/16 in.	10-16-78	20 oz. 3-14/16 in.	10-30-78	16 oz. 3-9/16 in.	11-13-78
Monroe	11-13-78	24 oz. 4-1/16 in.	11-27-78	20 oz. 3-14/16 in.	12-11-78	16 oz. 3-9/16 in	12-25-78
Herman	10-16-78	16 oz. 3-9/16 in.	10-30-78	14 oz. 3-6/16 in.	11-13-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Murphy	10-16-78	16 oz.	10-30-78	14 oz.	11-13-78	11 oz.	12-4-78
Ajax (B-7-B)	10-23-78	18 oz. 3-14/16 in.	11-13-78				
Booth 1	11-20-78	16 oz. 3-12/16 in.	12-4-78	12 oz. 3-6/16 in.	12-18-78		
Booth 3	10-23-78	16 oz. 3-8/16 in.	10-30-78	14 oz. 3-6/16 in.	11-13-78		
Taylor	10-23-78	14 oz. 3-5/16 in.	11-6-78	12 oz. 3-2/16 in.	11-20-78		
Dunedin	11-6-78	16 oz. 3-10/16 in.	11-20-78	14 oz. 3-8/16 in.	12-4-78	10 oz. 3-1/16 in.	12-25-78
Byars	11-13-78	16 oz. 3-14/16 in.	12-4-78				
Linda	11-13-78	18 oz. 3-12/16 in.	12-4-78				
Nabal	11-13-78	14 oz. 3-9/16 in.	12-4-78				
Zio	11-27-78	12 oz. 3-1/16 in.	12-11-78	10 oz. 2-14/16 in.	12-25-78		
Wagner	12-4-78	12 oz. 3-5/16 in.	12-18-78	10 oz. 3-2/16 in.	1-1-79		
Maya	12-25-78	13 oz. 3-2/16 in.	1-8-79	11 oz. 3-0/16 in.	1-22-79		
Brookslate	1-8-79	14 oz. 3-8/16 in.	1-22-79	12 oz. 3-5/16 in.	2-5-79	10 oz.	2-19-79
Schmidt	12-4-78	16 oz.	1-1-79				
Itzamna	2-12-79	12 oz.	2-19-79				

(3) From the date listed for the respective variety in column 2 of table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in columns 4 of table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5)From the date listed for the respective variety in column 6 of table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle: (i) Prior to August 21, 1978, any Lisa variety avocados, (ii) during the period August 21, 1978, through August 27, 1978, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3⁹⁄₁₆ inches in diameter, or (iii) during the period August 28, 1978, through September 3, 1978, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, or is at least 3⁹⁄₁₆ inches in diameter;

(7) No handler shall handle: (i) Prior to September 11, 1978, any Booth 8 variety avocados, (ii) during the period September 11, 1978, through October 1, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3⁹⁄₁₆ inches in diameter, or (iii) during the period October 2, 1978, through October 15, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3⁹⁄₁₆ inches in diameter, or (iv) during the period October 16, 1978, through October 29, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, or is at least 3⁹⁄₁₆ inches in a diameter.

(8) Except as otherwise provided in subparagraphs (10) and (11) of this paragraph, variety of the West Indian type of avocados not listed in table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 3, 1978.

(ii) From July 3, 1978, through July 30, 1978, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 31, 1978, through September 3, 1978, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 4, 1978, through October 1, 1978, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(9) Except as otherwise provided in subparagraphs (10) and (11) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (8) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 18, 1978.

(ii) From September 18, 1978, through October 15, 1978, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 16, 1978, through December 17, 1978, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(10) Notwithstanding the provisions of subparagraphs (2) through (9) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of table I or in subparagraphs (6), (7), (8) and (9). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(11) The provisions of subparagraphs (2) through (10) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(b) Terms used in the amended marketing order, when used herein, have the same meaning as is given to the respective term in said marketing order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida avocados (7 CFR 51.3050-51.3069).

(c) The provisions of this regulation shall become effective May 29, 1978.

Dated: April 24, 1978.

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

[FR Doc. 78-11468 Filed 4-27-78; 8:45 am]

[3410-02]

[7 CFR Parts 953 and 980]

IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES; VEGETABLES: IMPORT REGULATIONS

Notice of Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require fresh market shipments of potatoes grown in designated counties of Virginia and North Carolina to be inspected and meet minimum grade and size requirements. The regulation should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

DATES: Comments due May 12, 1978.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Southeastern Potatoe Committee, established under the order, is responsible for its local administation.

This notice is based upon recommendations made by the committee at its public meeting in Norfolk, Va., on April 13, 1978.

The proposed grade and size requirements are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undersirable sizes from being distributed to fresh market outlets. The proposal would benefit consumers and producers by standardizing and improving the qual-

ity of the potatoes shipped from the production area.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to the grade, size, and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed would be so exempt because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

The proposal is as follows:

§ 953.318 Handling regulation.

During the period June 5 through July 31, 1978, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1⅛ inches (38.1 millimeters) minimum diameter.

(b) *Inspection.* Except as provided in paragraphs (c) and (e), no handler shall ship any potatoes unless an appropriate inspection certificate covering them has been issued by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity, except that the handler thereof shall comply with the safeguard requirements of paragraph (d) of this section.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (7 CFR 2851.1540 through 2851.1566), including the tolerances set forth in it. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Pub. L. 92-233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated: April 24, 1978.

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

[FR Doc. 78-11576 Filed 4-27-78; 8:45 am]

[3410-02]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Amendment of Various Subparts; Administrative Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on changes in administrative procedures of the marketing order for California dates. The changes involve marketing order standards of quality, volume, container and marking requirements, nomination procedures, and reporting requirements. Some of the changes consolidate and simplify the wording of existing provisions to facilitate reference and make them clearer, while others reflect conforming changes required by a recent amendment of the marketing order. These proposed changes are based on recommendations of the California Date Administrative Committee and would aid it in the administration of, and compliance with, the requirements of the marketing order.

DATES: Comments must be received on or before May 15, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposal is to amend Subpart—Administrative Rules (7 CFR 987.101—987.168), and delete the following subparts: Subpart—Grade and Size Regulations (7 CFR 987.202—987.204); Subpart—Market Determinations (7 CFR 987.401—987.403); and Subpart—Container Regulation (7 CFR 987.501). These subparts are pursuant to the marketing agreement and order, as amended (7 CFR 987; 43 FR 4249), regulating the handling of domestic dates produced or packed in Riverside County, Calif. (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

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

A new § 987.105, pertaining to the computation of the whole weight of pitted dates, also is proposed to be added to the definition section of the administrative rules for similar reasons. Currently, these provisions are contained in § 987.145(f).

A new § 987.112, identification of dates, is proposed to be added to the administrative rules. This section contains marking requirements for the various outlet categories of dates similar to those now contained in § 987.145. The changes primarily involve changes in wording and organization to make the requirements clearer and to facilitate reference.

A new § 987.112a, prescribing grade, size, and container requirements for outlet categories, is proposed to be added to the administrative rules. the requirements proposed in § 987.112a are the same as those currently in effect in §§ 987.202, 987.203, 987.204, 987.402, 987.403 and 987.501, and these sections are proposed to be deleted. Minor changes in wording are proposed to make the requirements prescribed in § 987.112a clearer.

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

A new § 987.124 is added prescribing nomination and voting procedures to nominate persons to serve on the California Date Administrative Committee. The proposed provisions are designed to obtain fuller participation in Committee nominations by requiring the nominations to be widely publicized, establishing a day and place for polling and for casting absentee ballots.

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

Several provisions now in § 987.145 are proposed to be moved to other sections of the administrative rules for better organization. The provisions dealing with identification and marking would be placed in § 987.112 in order to further clarify operating procedures. Those dealing with the various aspects of the withholding of restricted dates when volume regulations are established for a crop year are proposed to be changed to make them clearer and to bring them into conformity with the recent changes in the volume regulation provisions of the order.

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

Pursuant to the recent amendment the term "free dates" only applies when volume regulations are in effect. Section 987.152(a) applies whether or not these regulations are in effect. Because of this, the second sentence of § 987.152(a) is proposed to be amended by changing the words "free date quality" to "DAC date quality".

The provisions in § 987.152(b)(1) pertaining to sales of dates for further processing to health food stores or health food outlets would be moved to § 987.112a. Hence, these provisions are not needed in § 987.152(b)(1) and are proposed to be deleted. Other minor wording changes are proposed in § 987.152(b)(1) and (2) but these are merely conforming in nature.

Sections 987.155 and 987.156 are proposed to be deleted. The provisions in these sections would be included in § 987.112a. Section 987.159 is proposed to be deleted and the provisions in this section moved to § 987.145(g). These changes provide for more convenient reference and better organization. Minor wording changes are proposed in § 987.161, but no change in the requirements is intended. The wording changes are needed because of the recent order amendment.

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

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

The proposals follow:

§ 987.103 [Deleted]

1. Section 987.103 is deleted.

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

§ 987.104 Major marketing promotion.

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

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

§ 987.105 Whole equivalent of pitted dates.

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

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

§ 987.112 Identification of dates.

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

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

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

(d) *Export dates.* Each handler shall mark every shipping or storage con-

tainer (excluding subcontainers) of export dates with his name or that of the exporting firm, and the lot number. If the dates, including field-run dates with cull dates removed, are certified as meeting the grade and size requirements for export to approved countries other than Mexico, the containers shall be marked "Export." Dry dates for processing packed for shipment to approved countries shall be marked "Export Dry." Dates packed for export to Mexico shall be marked "Export Mexico." However, "Export Mexico" shall be in letters not less than three-fourths (¾) inch in height on containers exceeding 5 pounds net weight, and not less than one-eighth (⅛) inch in height on smaller containers. DAC dates and FP dates, marked pursuant to paragraphs (b) and (c), respectively, of this section, may be exported without change of marking.

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

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

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

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

(a) In lieu of the minimum standards prescribed in § 987.36, the following standards are prescribed as the minimum grades and sizes for marketable dates to be handled in the applicable outlets. These standards shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act.

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

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

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

(c) *Dates for further processing.* (1) All varieties of FP dates may be disposed of only: (i) To persons in the United States capable of processing and packing the dates and having them certified as DAC dates, (ii) to health food stores or health food outlets in the United States, or (iii) exported to the countries designated in paragraph (d)(3) of this section.

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

(d) *Export dates.* (1) Export dates may be exported to any country except Canada, or disposed of in outlet categories established for dates of lesser grades and sizes.

(2) Dates for export to all countries, other than Mexico and countries designated in subparagraph (3) of this paragraph as date producing and processing countries, and identified as Export, shall at least meet the requirements of U.S. Grade C: *Provided*, That Deglet Noor dates shall score not less than 31 points for character and 24 points for absence of defects but up to 40 percent, by weight, of the dates may be damaged by broken skin.

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

(4) Dates for export to Mexico, and identified as Export—Mexico shall at least meet the requirements for utility dates. No dates shall be exported to Mexico unless the handler certifies to the Committee and the U.S. Department of Agriculture, on CDAC Form No. 11(a), which shall be submitted to the Committee, that the importing buyer has agreed that such dates will not reenter the United States or be shipped to Canada. The form shall show the identity of the handler, the trucker, the importer, the destination of the dates, the location of the border crossing station, and such other information as the Committee deems appropriate to perform its duties and exercise its powers under this part.

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

(e) *Product dates.* (1) Product dates may be disposed of by handlers for use, or used by them, in the production of table syrup, rings, chunks, pieces, butter, paste, macerated dates, or other products which the Committee finds will be appropriate and permit the consumption of dates in other than their whole or pitted form. If the handler does not use the dates in products, he may sell them for use by any person on the Committee's list of approved date product manufacturers. Once the dates have been converted from their whole or pitted form, they may be shipped to any market in the United States, Canada, or foreign country.

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

(f) *Utility dates.* Utility dates may be disposed of by handlers for use, or used by them, in the production of products specified in paragraph (e)(1) of this section, or be exported to Mexico. If the handler does not use the dates in products, he may sell them for use by any person or firm on

the Committee's list of approved date product manufacturers. If the dates are exported to Mexico, the handler shall submit completed CDAC Form No. 11(a) to the Committee.

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

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

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

NOMINATIONS

§ 987.124 Nomination and polling.

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

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

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

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

§ 987.138 Handlers of record.

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

7. Section 987.141 is revised to read as follows:

§ 987.141 Inspection and certification.

Each handler shall furnish, or cause the inspection service to furnish, to the Committee a copy of the inspection certificate issued to him on each lot of dates, and such certificate shall contain at least the following information: (1) The date of inspection; (2) the name of the handler; (3) the lot number and the applicable outlet category set forth in § 987.112a; (4) the variety of dates and weight of the lot; (5) the number and type of containers in the lot; and (6) if the dates: (i) Are other than field-run dates, a certification as to the grade of the dates and whether or not they meet the applicable grade, size, container, and identification requirements, or (ii) are field-run dates, a certification showing the percentage, by weight, of sound dates in the lot, and whether or not they meet the identification requirements for such dates.

8. Section 987.145 is revised to read:

§ 987.145 Withholding obligation.

(a) *Satisfying the withholding obligation.* Any handler may satisfy all or part of his withholding obligations for any variety of dates for which free and restricted percentages have been established by having an adequate quantity of that variety inspected and certified as meeting the applicable grade, size, and container requirements prescribed by the Committee for any approved restricted date outlet.

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

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

(d) *Dates for deferment of withholding.* Any handler may defer his certification and withholding or disposition

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

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

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

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

§ 987.151 [Amended]

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

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

§ 987.152 Exemption from regulations

* * * * *

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

(2) *Donations.* Except as provided in § 987.55, the Committee may permit any handler to dispose of restricted dates by donation to needy persons, prisoners, or Indians on reservations, but such donations shall be under such safeguards as the Committee may require to assure consumption in these outlets.

* * * * *

§§ 987.155, 987.156, 987.159 [Deleted]

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

12. Section 987.156 is deleted.

13. Section 987.159 is deleted.

14. Section 987.161 is revised to read as follows:

§ 987.161 Handler carryover.

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

15. Section 987.162 is revised to read as follows:

§ 987.162 Handler acquisition and disposition.

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

16. Section 987.164 is revised to read as follows:

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

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

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

§ 987.1656 Other reports.

* * * * *

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

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

§ 987.168 Handler records.

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

* * * * *

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

§ 987.172 Adjustment of assessment obligation.

In accordance with §§ 987.45 and 987.72, the assessment obligation of FP dates shall be based on the weight of the dates at the time of inspection and certification. However, if such dates are subsequently processed and packed within the area of production, the assessment obligation shall be ad-

justed to reflect any increase in weight and the obligation shall be placed on the handler agreeing to assume it.

§§ 987.202-987.204 [Deleted]

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

§§ 987.401-987.403 [Deleted]

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

§ 987.501 [Deleted]

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

Dated: April 25, 1978.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc. 78-11628 Filed 4-27-78; 8:45 am]

[3410-02]

[7 CFR Part 1207]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Expenses and Rates of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This notice invites written comments on proposed expenses of $2,085,000 and a rate of assessment of 1 cent per hundredweight of potatoes for the functioning of the National Potato Promotion Board. The regulation would enable the Board to collect assessments from designated handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

DATES: Comments due by May 15, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The proposals are as follows:

§ 1207.407 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1978, and ending June 30, 1979, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,085,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handles by him during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

Dated: April 25, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-11577 Filed 4-27-78; 8:45 am]

[3410-37]

Food Safety and Quality Service

[9 CFR Parts 317, 318, and 319]

NITRATES AND NITRITES

Federal Meat Inspection Regulations

AGENCY: Food Safety and Quality Service, USDA

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Federal meat inspection regulations to permit certain meat products which currently are preserved with nitrate and/or nitrite to be prepared either without these preservatives or with reduced levels of these preservatives and to permit them to be labeled and sold under the same name as that of the product when it is preserved with nitrite and/or nitrate. This document further proposes to prohibit the use if nitrate or nitrite in baby, junior, and toddler meat products. This action is taken in response to requests by consumer groups and manufacturers.

DATE: Comments must be received on or before June 27, 1978.

ADDRESS: Written comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Agriculture Building, Washington, D.C.20250. See also comments under supplementary information.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Fried, Acting Director, Product Labels and Standards Staff, Meat and Poultry Inspection Program, food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6042.

COMMENTS

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Hearing Clerk. Comments should bear reference to the date and page number of this issue of the FEDERAL REGISTER. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business.

BACKGROUND INFORMATION

The Administrator has been requested by a number of consumer interest groups and by some manufacturers of meat products ot permit the preparation and sale of cured meat products under traditrional names such as bacon, corned beef, and frankfurters, when such products are prepared either without nitrate and/or nitrite or with reduced levels of nitrate and/or nitrite. The Administrator has determined that it is in the public interest to propose standards and labeling requirements for such products.

In order to assure that products labeled and sold under such traditional names as bacon or frankfurters but which are manufactured either without nitrate and/or nitrite or with reduced levels of nitrite and/or nitrate are of comparable flavor and consistency to cured meat products of the same name but prepared with traditional levels of nitrate or nitrite, the Administrator is proposing that traditional names may be applied to meat products prepared without nitrate and/or nitrite or with reduced levels of nitrate and/or nitrite only when the flavorings and other ingredients used in the preparation of such meat products will yield a meat product of similar flavor and consistency to that of the meat product when it is prepared with traditional levels of nitrate and/or nitrite.

The Administrator recognizes that meat products prepared without nitrate and/or nitrite or with reduced levels of nitrate and/or nitrite may better support the growth and toxin production of *Clostridium botulinum* that meat products prepared with the traditional levels of nitrate and/or nitrite currently permitted by regulation (shall result in no more than 200 ppm nitrite in the finished product). *Clostridium botulinum* intoxication (botulism) is a type of food poisoning which often causes death. Some question

exists as to whether products prepared with less than 1,320 ppm nitrate or less than 120 ppm nitrite would be adequately protected against botulism unless such products were protected against botulism by some other means.

Based on agency experience and expertise, it appears that products would also be protected against botulism if held continuously under refrigeration at 40° F or below; preserved by thermal processing to F_o 3 or more; preserved by fermentation or pickling to pH 4.6 or less; preserved by drying while below 40° F or above 140° F to a water activity of 0.92 or less; or preserved by the addition of sufficient salt to achieve a brine concentration of 10 percent or more.

Also, customary marketing practices for fermented, semi-dry sausages are such that these products are frequently not kept refrigerated. Further, the addition of much more than 80 ppm nitrite would kill the bacteria starter cultures necessary for the fermentation of the product. However, it appears that such products would be protected against botulism if, in lieu of any of the methods specified above, they were preserved by the addition of at least 80 ppm nitrite coupled with fermentation to pH 5.0 or less and drying to a moisture-protein ratio of 3.1 or less to 1.

All products that are permitted currently by regulation to be cured by nitrate or nitrite, or both, but which require refrigeration to maintain wholesomeness are also required to bear on the label information concerning the need for refrigerated holding during storage at retail and in the home. However, since meat products prepared with no nitrate or nitrite or with reduced levels of these substances could be confused with products containing the traditional levels of nitrate and/or nitrite, special labeling requirements are being proposed for those meat products prepared without nitrate and/or nitrite or with reduced levels of nitrate and/or nitrite.

Under the circumstances referred to above, it is proposed that cured meat products which are not treated by one of the above named processes to protect against botulism, but which contain no added nitrate or nitrite, be labeled "No Nitrate or Nitrite Added—Not Preserved, Must Be Refrigerated Below 40° F at All Times." It is further proposed that meat products which are not preserved by one of the above named processes but which are prepared with less than 1,320 ppm nitrate and 120 ppm nitrite be labeled "Not Fully Preserved, Must Be Refrigerated Below 40° F at All Times." Such labeling would be in addition to all other mandatory labeling requirements.

Further, the Administrator proposes to prohibit the use of nitrate and nitrite in baby, junior, and toddler meat products. Currently, all baby, junior, and toddler meat products are prepared without the addition of nitrate or nitrite, or both, because their use has been voluntarily discontinued by industry. There is no need for their use as preservatives in these foods since these foods are thermally processed in hermetically sealed containers at temperatures and for time periods sufficient to destroy spoilage and food poisoning bacteria, including *Clostridium botulinum*. Furthermore, it appears that babies, infants, and toddlers are less tolerant of nitrate and nitrite than adults, that there is no decided taste preference in babies, infants, and toddlers for nitrate or nitrite cured meats compared to those prepared without these preservatives, and that there is no useful purpose for their use in such foods.

Since it appears that nitrate and nitrite serve no useful purpose in baby, junior, or toddler meat foods, it is proposed that nitrates and nitrites be prohibited from use in such foods.

On the basis of the foregoing, it is proposed to amend the federal meat inspection regulations (9 CFR Parts 317, 318, and 319) as follows:

1. The table of contents for Part 317 of the regulations would be amended by reflecting the heading change for § 317.17 of the regulations set forth below; and § 317.17 of the regulations (9 CFR 317.17) would be amended by designating the present text as paragraph (a), and by amending the heading and adding new paragraphs (b) and (c), to read as follows:

§ 317.17 Interpretation and statement of labeling policy for cured products; special labeling requirements concerning nitrate and nitrite.

* * * * *

(b)(1) Any product which is required to be labeled by a common or usual name or descriptive name in accordance with § 317.2(c)(1) of this part and which is permitted to be prepared with nitrate or nitrite, or both, as an ingredient, such as bacon or pepperoni, may be prepared without nitrate or nitrite and labeled with such common or usual name or descriptive name only if prepared with some added substance or substances and found by the Administrator to have a similar flavor and consistency to such product preserved with nitrate or nitrite, or both.

(2) Any product which is required to be labeled by a common or usual name or a descriptive name in accordance with § 317.2(c)(1) of this part and which is permitted to be prepared with nitrate or nitrite, or both, as an ingredient, such as bacon or pepperoni, may be prepared with nitrate or nitrite, or both, but with less than 1,320 ppm nitrate and less than 120 ppm nitrite, and labeled with such common or usual name or descriptive name only if found by the Administrator to have a similar flavor and consistency to such product preserved with nitrate or nitrite, or both.

(c)(1) Product described in subsection (b)(1) of this section shall bear adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name, the statement "No Nitrate or Nitrite Added—Not Preserved, Must Be Refrigerated Below 40° F at All Times," unless such product is preserved by thermal processing to F_o 3 or more; fermentation or pickling to pH 4.6 or less; drying while below 40° F or above 140° F to a water activity of 0.92 or less; the addition of sufficient salt to achieve a brine concentration of 10 percent or more; or, in the case of fermented semidry sausage, the addition of at least 80 ppm nitrite coupled with fermentation to pH 5.0 or less, and drying to a moisture-protein ratio of 3.1 or less to 1.

(2) Product described in subsection (b)(2) of this section and section 319.2(b) of the subchapter shall bear adjacent to the product name in letters of easily readable style and at least one-half of the size of the product name the statement "Not Fully Preserved, Must Be Refrigerated Below 40° F at All Times," unless such product is preserved by thermal processing at F_o 3 or more; fermentation or pickling to pH 4.6 or less; drying while below 40° F or above 140° F to a water activity of 0.92 or less; the addition of sufficient salt to achieve a brine concentration of 10 percent or more; or, in the case of fermented semi-dry sausage, the addition of at least 80 ppm nitrite coupled with fermentation to pH 5.0 or less, and drying to a moisture-protein ratio of 3.1 or less to 1.

§ 318.7 [Amended]

2. The term "Cured products" in the "products" column with respect to "Curing Agents" in the Chart in § 318.7(c)(4) would be amended in both places to read "Cured products, other than baby, junior, or toddler foods."

3. The table of contents for Subpart A of Part 319 of the regulations would be amended by adding "§ 319.2 Products and Nitrates and Nitrites," and a new § 319.2 would be added to Subpart A of Part 319 of the regulations to read as follows:

§ 319.2 Products and nitrates and nitrites.

(a) Any product for which there is a standard in this part which permits or requires nitrate or nitrite, or both, as an ingredient, such as frankfurters and corned beef, may be prepared without nitrate or nitrite, and labeled with such standard name only if prepared with some added substance or

substances and found by the Aministrator to have a similar flavor and consistency to such product preserved with nitrate or nitrite, or both. Labeling for such product shall also comply with the provisions of § 317.17(c)(1) of this subchapter.

(b) Any product for which there is a standard in this part which permits or requires nitrate or nitrite, or both, as an ingredient, such as frankfurters and corned beef, may be prepared with nitrate or nitrite, or both, but with less than 1,320 ppm nitrate and less than 120 ppm nitrite, and labeled with the standard name only if found by the Administrator to have a similar flavor and consistency to such product preserved with nitrate or nitrite, or both. Labeling for such product shall also comply with the provisions of § 317.17(c)(2) of this subchapter.

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on April 25, 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 78-11608 Filed 4-27-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

PETITIONS FOR RULEMAKING

Proposed Rulemaking

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing amendments to its "Rules of Practice" regarding the filing and processing of petitions for rulemaking. The amendments would require the petitioner to include a statment in support of the petition setting forth the specific issues involved, the petitioner's views regarding those issues, and relevant technical, scientific or other data involved which is reasonably available to the petitioner. The amendments will facilitate the processing of petitions for rulemaking.

DATES: Comment period expires June 12, 1978.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is considering amendments to its regulations regarding the filing and processing of petitions for rulemaking. The proposed amendments of § 2.802 of the Commission's "rules of practice" 10 CFR Part 2, would require a petitioner to state clearly and concisely the petitioner's grounds or interest in the action requested and to include a statement in support of the petition setting forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and such other information as the petitioner deems necessary to support the action sought.

It is the Commission's view that the proposed amendments, by requiring a more complete justification by the petitioner, will reduce the staff's time for evaluating petitions and making an appropriate recommendation to the Commission as to whether rulemaking should be initiated or the petition for rulemaking should be denied.

Language has been added to § 2.802 stating (a) that a prospective petitioner is encouraged to confer with the staff prior to the filing of a petition for rulemaking and (b) that questions regarding applicable NRC regulations sought to be amended, procedures for filing a petition for rulemaking, or requests for a meeting with the appropriate NRC staff to discuss a petition should be addressed to the Division of Rules and Records, Office of Administration.

It is the Commission's policy to be interested in the views of the public, and the Commission welcomes public participation in its rulemaking activities by such means as petitions for rulemaking. It is believed that these procedures will assist prospective petitioners in presenting their views in a manner that will contribute to timely and effective consideration of their petitions by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by June 12, 1978. Copies of the comments received on the proposed amendments may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Section 2.802 of 10 CFR Part 2 is revised to read as follows:

§ 2.802 Petition for rulemaking.

(a) Any interested person may petition the Commission to issue, amend or rescind any regulation. The petition should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) A prospective petitioner is encouraged to confer with the staff prior to the filing of a petition for rulemaking. Questions regarding applicable NRC regulations sought to be amended, the procedures for filing a petition for rulemaking, or requests for a meeting with the appropriate NRC staff to discuss a petition should be addressed to the Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Rules and Procedures Branch. A prospective petitioner may also telephone the Division of Rules and Records on 301-492-7211 to obtain assistance.

(c) Each petition filed under this section shall:

(1) Set forth the substance or text of any proposed regulation or amendment, or shall specify the regulation, the rescission or amendment of which is desired;

(2) State clearly and concisely the petitioner's grounds or interest in the action requested;

(3) Include a statement in support of the petition which shall set forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical scientific or other data involved which is reasonably available to the petitioner, and such other pertinent information as the petitioner deems necessary to support the action sought. In support of its petition, petitioner should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened with respect to nuclear safety, radiation safety, or safeguards.

(d) The petition may request the Commission to suspend all or any part of any licensing proceeding to which the petitioner is a party pending disposition of the petition for rulemaking.

(e) If it is determined that the petition includes the information required

by paragraph (c) of this section and is complete, the Director, Division of Rules and Records, or his designee, will assign a docket number to the petition, will cause the petition to be formally docketed, will deposit a copy of the docketed petition in the Commission's Public Document room, and cause a notice of the docketing of the petition to be published in the FEDERAL REGISTER, inviting public comment thereon. Publication will be limited by the requirements of section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

(f) If it is determined that the petition does not include the information required by paragraph (c) of this section and is incomplete, the petitioner will be notified of that determination and the respects in which the petition is deficient and will be accorded an opportunity to submit additional data. Ordinarily this determination will be made within 30 days from the date of receipt of the petition by the Secretary of the Commission. If the petitioner does not submit additional data to correct the deficiency within 90 days from the date of notification to the petitioner that the petition is incomplete, the petition may be returned to the petitioner without prejudice to the right of the petitioner to file a new petition.

(g) The Director, Division of Rules and Records, Office of Administration, or his designee, will prepare on a quarterly basis a summary of petitions for rulemaking pending before the Commission including the status thereof. A copy of the report will be available for public inspection and copying in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 24th day of April 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-11591 Filed 4-27-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Chapter II]

[EDR-347A, PDR-49; Docket 32219; Dated: April 24, 1978]

U.S. CORPORATIONS WHICH DO NOT QUALIFY AS A "CITIZEN OF THE UNITED STATES"

Supplemental Advance Notice of Proposed Rulemaking

APRIL 24, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental advance notice of proposed rulemaking.

SUMMARY: This notice extends until June 30, 1978, the date for filing comments in a rulemaking proceeding involving (1) the correctness of the Board's tentative legal ruling that U.S. corporations are citizens of the United States for the purposes of Section 408(a)(4) of the Federal Aviation Act, (2) to determine the extent and nature of the effect of such a ruling, and (3) to formulate possible regulatory solutions through rulemaking procedures for problems which may arise. The extension was requested by Hale, Russell, Gray, Seaman & Birkett on behalf of various clients who might be affected by the tentative legal ruling.

DATE: Comments by June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald H. Horn, Routes Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5206.

SUPPLEMENTAL INFORMATION: By Advance Notice of Proposed Rulemaking EDR-347/PDR-49, March 9, 1978 (43 FR 10938 March 16, 1978), the Civil Aeronautics Board gave notice of its tentative legal conclusion that U.S. corporations are citizens of the United States for purposes of section 408(a)(4) of the Federal Aviation Act and requested comments on that tentative legal conclusion, including the nature and extent of the problems which may be created by finalizing that tentative conclusion, and what regulatory action might be taken to minimize those problems consistent with statutory objectives. Comments were requested to be filed by May 1, 1978.

The Board has now received a letter from Hale, Russell, Gray, Seaman & Birkett, on behalf of several clients who are foreign air carriers and who are U.S. firms possibly engaged in a phase of aeronautics which are subsidiaries of or affiliated with foreign companies. In many cases both the foreign air carrier and the foreign parent or affiliate are both subject to foreign government ownership or control. In support of the request, they state that if the Board's tentative legal conclusion is finalized, several of their clients, including various Scandinavian, United Kingdom and Israeli enterprises, may have to make fundamental changes in the way they do business in the United States. They therefore believe that this matter requires far more careful analysis than can be provided in the comment period allowed. Affected foreign governments and all U.S. subsidiaries or affiliates of foreign companies engaged in any phase of aeronautics must be fully briefed before Hale, Russell can even determine the scope and variety of firms and types of business which have a direct and vital interest in this proceeding.

Upon consideration of the above, the undersigned finds good cause to grant the request for an extension of the time for filing comments. Accordingly, under authority delegated in 385.20(d) of the board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments is extended to June 30, 1978.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc. 78-11653 Filed 4-27-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 2, 3, 4, 131]

[Docket No. RM78-9]

SHORT-FORM LICENSE AND ASSOCIATED STANDARDIZED CONDITIONS (L-FORM)

APRIL 21, 1978.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission gives notice that it proposes to amend its rules and regulations in order to establish a short-form hydroelectric license with related standard conditions (L-Forms). In addition, a new application form would be established with accompanying instructions for completing the application for a short form license. The purpose of the proposed rulemaking is to provide a simplified procedure and format for processing applications for small-scale hydroelectric projects that meet specific size criteria. Availability of such procedures would save time for the applicant and the Commission staff. It would encourage the development of small capacity hydroelectric projects in furtherance of national policies for conservation of fossil fuels.

DATES: Comments should be submitted not later than May 23, 1978.

ADDRESSES: Secretary, Federal Energy Regulatory Commission, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Ronald Corso, Office of Electric Power Regulation, 202-275-4863; Raymond Hagenlock, Office of the General Counsel, 202-275-4271.

SUPPLEMENTARY INFORMATION: Pursuant to section 553, Title 5,

United States Code, and sections 4(e), 9, 10, and 309 of the Federal Power Act (Act) (41 Stat. 1065–1066, 1068–1069, 49 Stat. 840–841, 858–859, 61 Stat. 501; 16 U.S.C. 797(e), 802, 803, and 825h), and sections 402 and 403 of the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565), the Commission gives notice that it proposes to amend specific sections of the rules and regulations in order to establish a short-form hydroelectric license with related standard conditions (L-Forms). In addition, a new application form would be established with accompanying instruction for completing the application for a short-form license.

The purpose of this proposed rulemaking is to provide a simplified procedure and format for processing applications for small-scale hydroelectric projects that meet specific size criteria as stated herein. Availability of such procedures would save time for the applicant and the Commission staff. It would encourage the development of small capacity hydroelectric projects in furtherance of national policies for conservation of fossil fuels. For example, considerable impetus and increased attention is being given to hydroelectric projects as a result of the Administration's energy policies (such as the incentive program for projects less than 15 megawatts included in the National Energy Act proposals now under consideration by a Joint Conference Committee of the U.S. Senate and House of Representatives).

There has been a sharp increase in the number of inquiries and applications received by Commission staff in recent months concerning the installation of additional generating capacity at existing hydroelectric projects, the redevelopment of existing projects to provide additional power, and the installation of power generating facilities at existing nonpower dams. Indications are that this interest will result in sharply increased numbers of applications being filed with the Commission in the future.

Constraints imposed by the Federal Power Act inhibit to some extent the ability of the Commission to expedite action on applications. However, with regard to projects of 2,000 horsepower or less, the Commission has availed itself in the past of the authority provided in section 10(i) of the Act, 16 U.S.C. 803(i), to "waive such conditions, provisions, and requirements" of part I of the act as may be deemed in the public interest to waive under the circumstances. The only exclusions to this waiver authority in section 10(i) are the granting of license periods longer than 50 years and changes in the requirements for annual charges for use of lands within Indian reservations.

In an effort to reduce the burden of application preparation for small projects, the Commission's regulations currently require considerably less detail in applications for projects of 2,000 horsepower or less (approximately 1,500 kilowatts) than for larger projects. Section 4.60 of the regulations requires use of the format prescribed by section 131.6 of the regulations for such projects.

However, utilization of the provisions of § 131.6 does not always result in the expected savings of time and effort in the processing of applications. This is generally due to the quality of the application initially received (i.e., the extent to which the application conforms to the requirements of the regulations). Experience shows that applicants are often unable to obtain (or understand) the regulations. Staff analysis shows that potential time savings are also often unrealized for other reasons such as delays in receipt of comments from affected Federal, State, and local agencies with respect to the application, low priority of small projects versus those producing substantial blocks of new generating capacity, occasional protests or interventions, etc. The overall result is that a minor project application with no complex features routinely requires from 6 to 9 months to be processed for Commission consideration for licensing. The Commission by this rulemaking seeks to simplify the licensing process for small hydroelectric projects.

To reduce the time required to process applications for licenses for small projects, a "short-form" application and license is proposed. In brief, the intention is to develop a simple application format which could be completed by an applicant following instructions furnished with the form, attaching only the minimum drawings, certifications, etc., necessary to meet the requirements of the Federal Power Act and other applicable statutes. Compared to the present regulations, the proposed short-form application would lessen the descriptive information needed, reduce the details required on maps and drawings, and simplify the requirements for complying with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., without compromising environmental considerations.

To provide for the broadest applicability of the proposed procedure to the Commission's workload, and to ensure compliance with applicable statutes, it would be necessary to impose certain limitations on utilization of the proposed procedure. The "Short-form" procedures would not be used on any projects:

(1) Having a dam or diversion structure more than twenty-five (25) feet in height above stream bed,

(2) Impounding a reservoir having a surface area of 10 acres or more,

(3) Exceeding 2,000 horsepower (1,500 kilowatts).

The first criterion was chosen because it is consistent with the National Dam Inspection Act, 33 U.S.C. 467a-467e, that is, dams of this size would likely be in a low hazard category. The second criterion was chosen because it is consistent with the Fish and Wildlife Coordination Act, 16 U.S.C. 661-666c, that is, formal consultation with the Federal and State fish and wildlife agencies is not required when the maximum surface area of the impoundment is less than 10 acres. And the third criterion was chosen based upon section 10(i) of the Federal Power Act as explained above.

There would be no limitation on the status of the applicant, i.e., it may be an individual, an association, a State, a municipality, a corporation, or other entity. Appropriate identification of the applicant's status would be required.

If the project were proposed for development on Federal lands, the applicant would be required to apply for any appropriate permits required by the agency having jurisdiction over the Federal lands involved.

Applicants for proposed projects would be required to consult with appropriate Federal, State, and local resources agencies during the preparation of the applications and provide interested agencies with the opportunity to comment on the proposal prior to its filing with the Commission. The comments of such agencies would be attached to the application when filed.

When the application is found to be in conformance with the regulations and acceptable for processing, a public notice would be issued by the Commission pursuant to section 1.19(b) of the Commission's regulations and section 4(e) of the Act, 16 U.S.C. 797(e). This notice would afford an opportunity for Federal, State, and local agencies, and the general public, to inform the Commission of objections to the proposed project, or to provide conditions which the agencies believe should be included in any license which may be issued. We emphasize that applications for such projects would not be forwarded to Federal, State, and local agencies for comments. Public notice issued by the Commission would be in sufficient detail to describe the project and its purpose so that agency input in response to public notice could be adequately provided. Copies of the public notice would be individually sent to appropriate agencies in addition to the normal publication in newspapers and in the FEDERAL REGISTER. The expanded public notice would include additional descriptive information and a map. Although the FEDERAL REGISTER notice would not include such a map, it would indicate that a map could be obtained from the Commission or the applicant upon request. Application guidelines also require contacts with

appropriate agencies prior to filing of the application. The Commission believes these procedures comply with section 4(e) of the Federal Power Act and other statutes.

With respect to NEPA and the Commission's regulations related to NEPA, specifically section 2.80 et seq., the Commission's staff would continue to prepare environmental assessments of the proposal during the review and analysis of each application as is done at present. The information submitted by the applicant as provided for in the new application form, together with the comments and analysis received from interested agencies and members of the public, as well as the independent evaluation of the staff, will form the basis for the ultimate determination of whether an individual proposal will or will not be a major Federal action significantly affecting the quality of the human environment.

The license order would become final 30 days from the date of issuance unless an application for rehearing were filed in accordance with section 313(a) of the Act, 16 U.S.C. 8251(a). Failure to file such an application would constitute acceptance of the license. Acknowledgement of acceptance of the license would be required to be provided to the Commission within 60 days of the date of issuance of the order.

The proposed amendment to the Commission's rules and regulations under the Federal Power Act would be issued under the authority granted the Federal Energy Regulatory Commission by the Federal Power Act, as amended, particularly sections 4(e), 9, 10, and 309 (41 Stat. 1065–1066, 1068–1069, 49 Stat. 840–841, 858–859, 61 Stat. 501; 16 U.S.C. 797(e), 802, 803, and 825h), sections 402 and 403 of the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565) and E.O. 12009, 42 FR 46267.

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

In order to implement the subject matter considered above, the Commission proposes to amend Part 3, Subchapter A—General Rules, Chapter I, Title 18, Code of Federal Regulations, by deleting the word "major" from §3.114(b). As amended, §3.114(b) will read:

§3.114 Licenses.

* * * * *

(b) Applications under the Federal Power Act for license authorizing construction of projects; for license for constructed projects; and for renewal of licenses for projects are processed in the manner stated in §3.133.

* * * * *

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

2. The Commission proposes to amend Part 4, Subchapter B—Regulations Under the Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, by adding a new §4.61 to read as follows:

§4.61 Contents.

(a) Each application for a short-form license for a small-scale hydroelectric project, whether constructed or to be constructed, shall conform to §131.7 of this chapter and shall be filed in accordance with §4.31 of this chapter.

(b) Short-form licenses are restricted to constructed or unconstructed hydroelectric projects which have or will have generating capacity of 2,000 horsepower (1,500 kW) or less, do not include dams or diversion structures over 25 feet in height above stream bed, and do not impound a reservoir having a surface area of 10 acres or more.

PART 131—FORMS

3. The Commission proposes to amend Part 131, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, by adding a new §131.7 to read as follows:

§131.7 Application for short-form license.

(See §4.61 of this chapter.)

APPLICATION FOR SHORT-FORM LICENSE

1. Applicant's full name and address: _____

_____
(Zip Code)

2. Location of Project:
   State:_____County:_____
   Nearest Town:_____Stream:_____
3. Project description and proposed mode of operation (reference to Exhibit K and L, as appropriate):

(continue on separate sheet if necessary)

4. Lands of the United States affected (shown on Exhibit K)

	(Name)	(Acres)
a. National Forest	_____	_____
b. Indian Reservation	_____	_____
c. Public Lands under jurisdiction of	_____	_____
d. Other	_____	_____
e. Total U.S. Lands		_____

   f. Check appropriate box:
   /___/ Surveyed /___/ Unsurveyed land in public-land state :
   (1) If surveyed land in public-land state provide the following:
   Sections and subdivisions:_____
   Range_____Township:_____
   Principal base and meridian:_____
   (2) If unsurveyed or not in public-land state, see Item 7 of instructions:_____

_____

. Purpose of project (use of power output,etc.)

6. Construction of the project is planned to start_____. It will be completed within ___months from the date of issuance of license.
7. List here and attach copies of State water permits or other permits obtained authorizing the use or diversion of water, or the construction, and/or operation and maintenance of the proposed projects:

8. Attach an environmental report prepared in accordance with the requirements set forth in the Instructions for Completing Application for Short-Form License.
9. Attach Exhibit K and L drawings.
10. State of_____.
    County of_____ss:
    _____and_____, being duly sworn, each for himself, deposes and says that *(he is a citizen of the United States of America), *(all members of the association are citizens and have signed this affidavit) or *(he is the duly appointed agent of the association, municipality or corporation), and has signed this application this ___day of _____, 19__.

_____
(Applicant(s))

By_____
Subscribed and sworn to before me, a Notary Public of the State of _____, this ___day of_____, 19__.

/SEAL/ _____
(Notary Public)

INSTRUCTIONS FOR COMPLETING APPLICATION FOR SHORT-FORM LICENSE

GENERAL

1. This application may be used if the proposed project will have a total generating capacity of not more than 1,500 kW, impound a reservoir having a surface area of not more than 10 acres, and include no dam or diversion structure over 25 feet in height. Advice regarding the proper procedure for filing should be requested from the Commission in Washington, D.C.; or from one of the Commission's regional offices in Atlanta, Chicago, Fort Worth, New York, or San Francisco.

2. This application is to be completed and filed in an original and nine copies with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Each copy of the application is to be accompanied by:

(a) A copy each of exhibits K and L described herein.

(b) A copy of a State water quality certificate pursuant to section 401 of the Federal Water Pollution Control Act, and a water rights certificate or similar evidence required by State law relative to use or diversion of water.

(c) Applicant should contact the State natural resources department or equivalent to ascertain whether other approvals are necessary and attach copies of such approvals to the application.

(d) A copy of applicant's environmental report described herein.

3. No work may be started on the project until receipt of a signed license from the Commission. The application itself does not authorize entry upon government lands for any purpose. If the project is located in part or in whole upon Federal land, the applicant should contact the appropriate land management agency regarding the need to obtain a right-of-way permit. As noted above, other State or Federal permits may be required.

4. Applicants must be citizens of the United States. If the applicant is a corporation, the State in which it is incorporated and the location of the principal place of business must be shown. If applicant is an association, each member must be a citizen and must sign the affidavit. The affidavit may be attached as a separate sheet if necessary. Corporations (municipal or private), municipalities, and associations of citizens shall provide the name and address of the person who is authorized to act as agent, and consent to accept service upon such agent as service upon the applicant. This information can be provided by a letter attached to the application.

5. If the stream is unnamed, give the name of the nearest named stream to which it is tributary.

6. The project description (application item 4) shall include, as appropriate: The number of generating units, including auxiliary units, the capacity of each unit, and provisions, if any, for future units; type of hydraulic turbine(s); a description of how the plant is to be operated, manual or automatic, and whether the plant is to be used for peaking; estimated average annual generation in kilowatt-hours; estimated average head on the plant; reservoir surface area in acres; estimated hydraulic capacity of the plant (flow through the plant) in cubic feet per second; estimated average flow of the stream at the plant or point of diversion; sizes, capacities, and construction materials, as appropriate, of pipelines, ditches, flumes, canals, intake facilities, powerhouse, dams, transmission lines, etc.; and estimated cost of project.

7. In the case of unsurveyed public land, or land not in a public-lands State, give the best legal description available. Include the distance and general direction from the nearest city or town, fixed monument, physical features, etc.

8. Exhibits K and L shall be submitted on separate drawings. Drawings for exhibits K and L shall have identifying title blocks and bear the following certification: "This drawing is a part of the application for license made by the undersigned this —— day of ————, 19——.

————————."

(Name of applicant.)

9. The Commission reserves the right to require additional information, or another filing procedure if data provided indicate such action to be appropriate.

EXHIBIT K—PROJECT LANDS AND BOUNDARIES

1. The exhibit K is a planimetric map showing the portion of the stream developed, the location of all essential project information; such as the dam or diversion structure, pipeline, powerplant, access roads, transmission lines, project boundary, land ownerships, and government land boundaries and identifications.

2. The map shall be an ink drawing or drawing of similar quality on a sheet not smaller than 8 inches by 10½ inches, drawn to a scale no smaller than 1 inch equals 1,000 feet. Ten legible prints shall be submitted with the application. The tracing will be requested after review of the application.

3. The project boundary shall be drawn on the map so that the relationship of each project facility to other property lines can be determined. The boundary shall enclose all project works such as the pipelines, roads, powerhouse, and transmission lines. It shall be the minimum feasible distance from project works necessary to allow operation and maintenance. The distance in feet from each principal facility to the boundary shall be shown. The project boundary should be a surveyed line with stated courses and distances. A tape-compass survey is acceptable. True north shall be indicated on the map. The area of government land in acres within the project boundary shall be shown. It is suggested that the appropriate government agency be contacted for assistance in determining the government land acreage. For clarity, use inset sketches to a larger scale than that used for the overall map to show relationships of project works, natural features, and property lines.

4. Show one or more ties by distance and bearing from a definite, identifiable point or points on project work or the project boundary to established corners of the public land survey or other survey monuments, if available.

5. If the project affects unsurveyed government lands, the protraction of township and section lines shall be shown. Such protractions, whenever available, shall be those recognized by the agency of the United States having jurisdiction over the lands. On unsurveyed lands, show ties by distance and bearing to fixed recognizable objects.

6. If both government and private lands are utilized by the project, the detailed survey descriptions discussed above for the project boundary apply only to government lands. General location data will suffice for project works on private lands.

EXHIBIT L—PROJECT STRUCTURES AND EQUIPMENT

1. The exhibit shall be a simple ink drawing or drawing of similar quality on a sheet not smaller than 8 inches by 10½ inches, drawn to a scale no smaller than 1 inch equals 50 feet for plans and profiles, and 1 inch equals 10 feet for sections. Ten legible prints shall be submitted with the application. Tracing(s) will be requested after initial review of the application.

2. The drawing shall show a plan, elevation, and section of the diversion structure and powerplant. Generating and auxiliary equipment proposed should be clearly and simply depicted and described. Include a north arrow on the plan view.

ENVIRONMENTAL REPORT

The requirement herein for an environmental report should be consistent with the scope of the project and the environmental impacts of the proposed action, i.e., authorization to operate and maintain an existing project would require less detailed information than authorization to construct a new project. The environmental report shall set forth the following in a clear and concise manner:

(1) A brief description of the project and the mode of operation, i.e., run-of-river, peaking, or other.

(2) A description of the environmental setting in and near the project area to include vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational use, socioeconomic aspects, historical and archeological resources, and visual resources. Special attention shall be provided rare and endangered plant and animal species, critical habitats, sites eligible for or included on the National Register of Historic Places. Assistance in the preparation of this information may be obtained from state natural resources departments.

(3) A description of the expected environmental impacts resulting from construction and operation of the project. Include a discussion of specific measures proposed by the applicant or others to protect and enhance environmental resources and to mitigate adverse impacts of the project on the environmental resources and values, and the cost thereof.

(4) A description of alternative means of obtaining an amount of electric power equivalent to that provided by the project in the event that construction or continued operation of the project is not authorized.

(5) A description of the steps taken by the Applicant in consulting with Federal, State, and local agencies during the preparation of the environmental report. Indicate which agencies have received the final report and provide copies of letters containing the comments of those agencies.

PART 2—GENERAL POLICY AND INTERPRETATIONS

4. The Commission proposes to amend Part 2, Subchapter A—General Rules, Chapter I, Title 18, Code of Federal Regulations, by adding two new L-Forms, L-22, and L-23, to the end of § 2.9(c).

As amended, § 2.9(c) will read:

§ 2.9 Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms.

* * * * *

(c)* * *

P-1: * * *

L-22: Short-Form License, Projects Affecting Lands of the United States, 57 FPC—(April, 1978).

L-23: Short-Form License, Projects Not Affecting Lands of the United States, 57 FPC—(April, 1978).

B. Proposed new L-Forms L-22 and L-23 are attached to this Notice of Proposed Rulemaking as Appendix A and Appendix B respectively.

C. Any interested person may submit to the Federal Energy Regulatory Commission, Washington, D.C. 20426, not later than May 23, 1978, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C. 20426 during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the staff of the Commission to discuss the proposed amendments. The staff, in its descretion, may grant or deny requests for conferences.

D. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

FEDERAL ENERGY REGULATORY COMMISSION

Form L-22 (April, 1978)

SHORT FORM LICENSE

Projects Affecting Lands of the United States

Project No. ————.

An application was filed on ———— and supplemented on —— by ———— for a short form license for a hydroelectric project located on lands of the United States. ————

Order issuing short form license:

Date of issuance: ————.

(A) This license is issued to ———— (Licensee) of ————, for a period effective the first day of the month in which this order is issued, and terminating —— years thereafter, for the construction and/or operation and maintenance of Project No. —— located on ————, a tributary of the ————, affecting lands of the United States under the administration of ————, subject to the terms and conditions of the Federal Power Act, insofar as not expressly waived herein, which Act is incorporated by reference as part of this license and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) This project consists of:

(i) all lands constituting the project area and enclosed by the project boundary or the Licensee's interests in such lands, the limits of which are otherwise defined, the use and occupancy of which are necessary for the purpose of the project; such project area and project boundary being shown and described by certain Exhibit K drawing(s), FERC No(s). ————, which also form part of the application for license.

(ii) project works consisting of;

the location, nature, and character of which are more specifically shown and described by the exhibit hereinbefore cited and by Exhibit L drawing(s), FERC NO(s). ——, which also form part of the application for license.

(iii) all of the structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project and located on the project area, and such other property as may be used or useful in connection with the project or any part thereof; together with all riparian or other rights, the use or possession of which are necessary or appropriate in the maintenance or operation of the project.

The exhibits designated and described in the above paragraphs are hereby approved and made a part of the license.

(C) Pursuant to Section 10(i) of the Federal Power Act, it has been found in the public interest to waive the following Sections of Part I of the Act, and they are hereby excluded from the license:

Section 4(b), except the second sentence thereof relating to free access by the Commission or its agents to the project works and project records; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 11; 12; and 14, except insofar as the power of condemnation is reserved; 15; 16; 18, except as it relates to fishways; 19; 20; 21; 22; and 23(a), insofar as it relates to the determination of fair value.

(D) This license is also subject to the following conditions:

Article 1. This entire project shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, and exhibits approved by the Commission, without approval by the Commission. If the Licensee or the Commission deems it necessary or desirable that any approved exhibits be changed, revised exhibits shall be submitted to the Commission covering the proposed changes which, upon approval by the Commission, shall become a part of the license, superseding such exhibit or exhibits previously made a part of the license. Minor changes in project works, or in uses of project lands and waters, or divergence from approved exhibits may be made if such changes will not result in a decrease in efficiency, in an adverse environmental impact, or in impairment of the general scheme of development. Any such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of the aforesaid results, shall be subject to such alteration as the Commission may direct.

Article 3. The construction and/or operation and maintenance of the project and any work incidental thereto, shall be subject to the inspection and supervision of the authorized representative the Commission may designate for such purposes. The Licensee shall cooperate fully with said representative and shall furnish such information as may be required concerning the construction, operation, and maintenance of the project. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.

Article 4. During the period of the license, Licensee shall retain possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use. None of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without prior written approval of the Commission. The provisions of this article are not intended to prevent the replacement of structures, equipment, or other project works when they become obsolete, inadequate, or inefficient for further service due to wear and tear.

Article 5. The operations of the Licensee shall be subject to such reasonable rules and regulations as the Commission may prescribe from time to time for protection of life, health, and property.

Article 6. The Licensee shall, for the conservation and enhancement of fish and wildlife resources, construct, maintain, and operate, (or arrange therefor), such reasonable facilities and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior, or the fish and wildlife agency of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 7. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under the license.

Article 8. In the construction and/or maintenance and operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion, stream sedimentation, and any form of water or air pollution. The Commission may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 9. Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works, or in the clearing of said lands, shall be paid for, and the resulting slash and debris disposed of, in accordance with the requirements of the agency of the United States having jurisdiction over said lands. Payment for merchantable timber shall be at current stumpage rates, and payment for young growth timber below merchantable size shall be at current damage appraisal values. However, the agency of the United States having jurisdiction may sell or dispose of the merchantable timber to others than the Licensee: *Provided*, That timber so sold or disposed of shall be cut and removed from the area prior to, or without undue interference with operations of the Licensee and in coordination with the Licensee's project construction schedules. Such sale or disposal to others shall not relieve the Licensee of responsibility for the clearing and disposal of all slash and debris from project lands.

Article 10. The Licensee shall do everything reasonably within its power, and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon the request of officers of the agency concerned, to prevent, make advance preparations for suppression of, and to suppress fires on the lands to be occupied or used under the license. The Licensee shall be liable for and shall pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the works appurtenant or accessory thereto under the license.

Article 11. The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or the use by said parties of water for sanitary and domestic purposes from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 12. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 13. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across those project lands which are lands of the United States, such conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other routes or means of transportation and communication as are not inconsistent with the enjoyment of said lands by the Licensee for the purposes of the License. This license shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 14. In the construction and maintenance of the project, the location and standards of roads and trails on lands of the United States and other uses of lands of the United States, including the location and condition of quarries, borrow pits, and spoil disposal areas, shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 15. The Licensee shall make provision for or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other comunication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction.

Article 16. The Licensee shall make use of the Commission's guidelines and other recognized guidelines for treatment of transmission line rights-of-way, and shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of all refuse and inflammable material to the satisfaction of

such officer; shall trim all branches of trees in contact with or likely to contact the transmission lines; shall cut and remove all dead or leaning trees which might fall in contact with the transmission lines; and shall take such precautions against fire as may be required by such officer. No fires shall be set except with the prior written consent as to time and place issued by the officer of the United States in charge of the lands.

Article 17. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over the lands unless otherwise agreed upon in writing or in this license. If the Licensee fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the Licensee of liability for the cost of their removal and restoration of the site.

Article 18. The Licensee, prior to construction or initiation of power operations, shall contact the officer having administrative jurisdiction of any lands of the United States affected by the project to ascertain the need for obtaining a right-of-way permit for such lands. If a permit is required, a copy shall be furnished the Commission clearly marked with the licensed project number to which the permit relates.

Article 19. If the licensee, within the license term, shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the licensee or its agent, the Commission will deem it to be the intent of the licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the licensee to remove any or all structures, equipment, and powerlines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the U.S. agency having jurisdiction over its lands, and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the licensee to surrender the license.

Article 20. The licensee shall continue to consult and cooperate with the Fish and Wildlife Service of the U.S. Department of the Interior, the State Fish and Game Commission, the State Historic Preservation Office, the officer having jurisdiction over the lands, and other appropriate agencies, as necessary to insure the protection and enhancement of the environmental resources and cultural values at the project area.

Article 21. The licensee shall pay the United States the following annual charge, effective as of the first day of the month in which this license is issued:

(i) For the purpose of reimbursing the United States for the cost of administration under part I of the act, a minimum annual charge of $——— per annum, or such amount as may be determined from time to time pursuant to the Commission's regulations.

(ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of ——— acres of its lands, an amount as may be determined from time to time pursuant to the Commission's regulations.

Article 22. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

ADDITIONAL SPECIAL ARTICLES

(E) This order shall become final 30 days from the date of its issuance unless an application for rehearing shall be filed as provided in section 313(a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this license. The acknowledgement of acceptance attached to this license shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

FEDERAL ENERGY REGULATORY COMMISSION	NAME AND TITLE	SIGNATURE	DATE
	Secretary		

In testimony of (its) acknowledgement of acceptance of all of the terms and conditions of the foregoing order, ——————— (Name), this —— day of ————, 19——, has caused his (its corporate) name to be signed herto (by ———————, its President, and its corporate seal to be affixed hereto and attested by ———————, its ——————— Secretary, pursuant to a resolution of its Board of Directors duly adopted on the —— day of ————, 19——, a certified copy of the record of which is attached hereto).

———————.

(By ———————.)

(Attest: ——————— Secretary.)

NOTE.—Execute in quadruplicate. Statements within brackets apply only to corporations, municipalities, and associations of citizens.

APPENDIX B.—FEDERAL ENERGY REGULATORY COMMISSION FORM L-23 (APRIL 1978)

SHORT FORM LICENSE (PROJECTS NOT AFFECTING LANDS OF THE UNITED STATES)

Project No. ——.

An application was filed on ———— and supplemented on ———— by ——————— for a short form license for a hydroelectric project.

ORDER ISSUING SHORT FORM LICENSE

Date of issuance: ———————.

(A) This license is issued to ——————— (licensee) of ———————, for a period effective the first day of the month in which this order is issued, and terminating —— years thereafter, for the construction and/or operation and maintenance of project No. —— located on ———————, a tributary of the ———————, subject to the terms and conditions of the Federal Power Act, insofar as not expressly waived herein, which Act is incorporated by reference as part of this license and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) This project consists of:

(i) All lands constituting the project area and enclosed by the project boundary or the licensee's interests in such lands, the limits of which are otherwise defined, the use and occupancy of which are necessary for the purpose of the project; such project area and project boundary being shown and described by certain exhibit K drawing(s), FERC No(s).——, which also form part of the application for license.

(ii) Project works consisting of: ———————, the location, nature, and character of which are more specifically shown and described by the exhibit hereinbefore cited and by exhibit L drawing(s), FERC No(s). ——, which also form part of the application for license.

(iii) All of the structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project and located on the project area, and such other property as may by used or useful in connection with the project or any part thereof; together with all riparian or other rights, the use or possession of which are necessary or appropriate in the maintenance or operation of the project.

The exhibits designated and described in the above paragraphs are hereby approved and made a part of the license.

(C) Pursuant to section 10(i) of the Federal Power Act, it has been found in the public interest to waive the following sections of part I of the Act, and they are hereby excluded from the license:

Section 4(b), except the second sentence thereof relating to free access by the Commission or its agents to the project works and project records; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 11; 12; and 14, except insofar as the power of condemnation is reserved; 15; 16; 18, except as it relates to fishways; 19; 20; 21; 22; and 23(a), insofar as it relates to the determination of fair value.

(D) This license is also subject to the following conditions:

Article 1. The entire project shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, and exhibits approved by the Commission, without approval by the Commission. If the licensee or the Commission deems it necessary or desirable that any approved exhibits be changed, revised exhibits shall be sumitted to the Commission covering the proposed changes which, upon approval by the Commission, shall become a part of the license, superseding such exhibit or exhibits previously made a part of the license. Minor changes in project works, or in uses of project lands and waters, or divergence from approved exhibits may be made if such changes will not result in a decrease in efficiency, in an adverse environmental impact, or in impairment of the general scheme of development. Any such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of the aforesaid results, shall be subject to such alteration as the Commission may direct.

Article 3. The construction and/or operation and maintenance of the project, and any work incidental thereto, shall be subject to the inspection and supervision of the authorized representative the Commission may designate for such purposes. The licensee shall cooperate fully with said representative and shall furnish such information as may be required concerning the construction, operation, and maintenance of the project. The licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.

Article 4. During the period of the license, licensee shall retain possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use. None of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without prior written approval of the Commission. The provisions of this article are not intended to prevent the replacement of structures, equipment, or other project works when they become obsolete, inadequate, or inefficient for further service due to wear and tear.

Article 5. The operations of the licensee shall be subject to such reasonable rules and regulations as the Commission may prescribe from time to time for protection of life, health, and property.

Article 6. The licensee shall, for the conservation and enhancement of fish and wildlife resources, construct, maintain, and operate (or arrange therefor), such reasonable facilities and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior, or the fish and wildlife agency of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 7. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities at its own expense, the licensee shall permit the United States or its designated agency to use, free of cost, such of the licensee's lands and interests in lands and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the licensee of any obligation under the license.

Article 8. In the construction and/or maintenance and operation of the project, the licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion, stream sedimentation, and any form of water or air pollution. The Commission may order the licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 9. The licensee shall make provision for, or shall bear the reasonable cost of making provision for, avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility.

Article 10. The licensee shall make use of the Commission's guidelines and other recognized guidelines for treatment of transmission line rights-of-way, shall clear such transmission line rights-of-way and shall keep such areas clear of all refuse and inflammable material; shall trim all branches of trees in contact with or likely to contact the transmission lines; shall cut and remove all dead or leaning trees which might fall in contact with the transmission lines; and shall take precautions against fire.

Article 11. If the licensee, within the license term, shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project, or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the licensee or its agent, the Commission will deem it to be the intent of the licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the licensee to remove any or all structures, equipment, and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the authorized representative of the Commission, and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the licensee to surrender the license.

Article 12. The licensee shall continue to consult and cooperate with the Fish and Wildlife Service of the U.S. Department of the Interior, the State Fish and Game Commission, the State Historic Preservation Office, and other appropriate agencies, as necessary to insure the protection and enhancement of the environmental resources and cultural values at the project area.

Article 13. The licensee shall pay the United States the following annual charge, effective as of the first day of the month in which this license is issued:

(i) For the purpose of reimbursing the United States for the cost of administration under part I of the act, a minimum annual charge of $—— per annum, or such amount as may be determined from time to time pursuant to the Commission's regulations.

Article 14. The terms and conditions expressly set forth in the license shall not be constructed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

ADDITIONAL SPECIAL ARTICLES

(E) This order shall become final 30 days from the date of its issuance unless an application for rehearing shall be filed as provided in section 313(a) of the Federal Power Act, and failure to file such an application shall constitute acceptance of this license. The acknowledgement of acceptance attached to this license shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

FEDERAL ENERGY REGULATORY COMMISSION	NAME AND TITLE	SIGNATURE	DATE
	SECRETARY		

In testimony of (its) acknowledgment of acceptance of all of the terms and conditions of the foregoing order, _____ (Name), this —— day of _____, 19——, has caused his (its corporate) name to be signed hereto (by _____, its President, and its corporate seal to be affixed hereto and attested by _____, its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the —— day of _____, 19——, a certified copy of the record of which is attached hereto).

_____.

(By _____.)

(Attest: _____ Secretary.)

NOTE.—Execute in quadruplicate. Statements within brackets apply only to corporations, municipalities, and associations of citizens.

[FR Doc. 78-11685 Filed 4-27-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regs. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND AND DISABLED

Exclusion of Receipts From Lands Held in Trust for Indian Tribes From Countable Income and Resources

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed amendments concern an exclusion of receipts distributed to members of Indian tribes from consideration as income or a resource under the Supplemental Security Income (SSI) program. The amendments implement in part section 6 of Pub. L. 94-114, effective October 17, 1975. They exclude from consideration as income or a resource receipts distributed to members of Indian tribes, which are derived from certain submarginal lands conveyed to Indian tribues and held in trust by the United States. The purpose of the amendments is to reflect this exclusion.

DATES: Comments must be received on or before May 30, 1978.

ADDRESSES: Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. S. J. Weissman, Legal Assistant, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7341.

SUPPLEMENTARY INFORMATION: Submarginal Indian lands were originally purchased by the United States as part of the general emergency relief measures necessitated by the severe depression of the 1930's and a series of natural disasters. These parcels were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200); the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115); and section 55 of the Act of August 24, 1955 (49 Stat. 750,781).

Subsequent to these purchases Congress enacted legislation (the Act of July 20, 1956 (70 Stat. 581), the Act of August 2, 1956 (70 Stat. 941), the Act of October 9, 1972 (86 Stat. 795), and section 1 of the Act of October 13, 1972 (86 Stat. 806)) which conveyed in trust for certain Indian tribes some of the parcels which were purchased during the Depression. The accrued income, however, was not generally transferred to the appropriate Indian tribes.

Pub. L. 94-114 conveyed the remaining submarginal lands from the United States to the various Indian tribes to be held in trust by the United States and the accrued income of the lands previously conveyed under Acts cited in the prior paragraph.

Section 5(a) of Pub. L. 94-114 provides that receipts derived from property conveyed by Pub. L. 94-114, the Act of July 20, 1956, the Act of August 2, 1956, the Act of October 9, 1972, and section 1 of the Act of October 13, 1972, which were received by the United States subsequent to such acquisition by the United States and prior to conveyance back to the Indian tribes will be deposited to the credit of the Indian tribe receiving such land. Excluded are receipts received prior to the enactment of Pub. L. 94-114 from the leasing of public domain minerals which were subject to the Mineral Leasing Act of 1920 (41 Stat. 437) as amended and supplemented. Section 5(b) provides that receipts derived by the United States subsequent to enactment of Pub. L. 94-114 from any contract, permit or lease or otherwise will be deposited to the credit of the Indian tribe receiving such land.

Section 6 of Pub. L. 94-114 further provides that any such receipts distributed to members of Indian tribes shall not be considered income or resources or otherwise utilized as a basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program. Any per capital distribution of funds derived from Pub. L. 94-114 shall not be considered as income or other resources for purposes of certain Federal benefits. H.R. No. 94-480, 94th Cong., 1st Sess. 12 (1975).

The exclusion (as authorized by Pub. L. 94-114) applies to receipts derived from lands of the following Indian tribes.

Tribe	Reservation	State
1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.	Bad River	Wisconsin.
2. Blackfeet Tribe	Blackfeet	Montana.
3. Cherokee Nation of Oklahoma		Oklahoma.
4. Cheyenne River Sioux Tribe	Cheyenne River	South Dakota.
5. Crow Creek Sioux Tribe	Crow Creek	Do.
6. Lower Brule Sioux Tribe	Lower Brule	Do.
7. Devil's Lake Sioux Tribe	Fort Totten	North Dakota.
8. Fort Belknap Indian Community	Fort Belknap	Montana.
9. Assiniboine and Sioux Tribes	Fort Peck	Do.
10. Lac Courte Oreilles Band of Lake Superior Chippewa Indians.	Lac Courte Oreilles	Wisconsin.
11. Keweenaw Bay Indian Community	L'Anse	Michigan.
12. Minnesota Chippewa Tribe	White Earth	Minnesota.
13. Navajo Tribe	Navajo	New Mexico.
14. Oglala Sioux Tribe	Pine Ridge	South Dakota.
15. Rosebud Sioux Tribe	Rosebud	Do.
16. Shoshone-Bannock Tribe	Fort Hall	Idaho.
17. Standing Rock Sioux Tribe	Standing Rock	North Dakota and South Dakota.
18. Seminole Indians		Florida.
19. Pueblos of Zia and Jemez		New Mexico.
20. Stockbridge Munsee Indian Community		Wisconsin.
21. Burns Indian Colony		Oregon.

The subject regulations are being proposd to clarify that these receipts will be excluded as income or a resource in the SSI program. Accordingly, §§ 416.1146(n) and 416.1236(a)(13) are being added to reflect the exclusion in Pub. L. 94-114.

The proposed amendments are to be issued under the authority contained in sections 1102, 1611, 1612, 1613, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1468, 86 Stat. 1470, and 86 Stat. 1475; 42 U.S.C. 1302, 1382, 1382a, 1382b, and 1383; section 6 of Pub. L. 94-114, 89 Stat. 579.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

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

Dated: February 10, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: April 24, 1978.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 416.1146 is amended by adding paragraph (n) to read as follows:

§ 416.1146 Exclusions from income; provided by other statutes.

For the purpose of § 416.1145(a), payments or benefits provided under a Federal statute other than title XVI of the Social Security Act where exclusion from income is required by such statute include:

* * * * *

(n) Effective October 17, 1975, pursuant to section 6 of Pub. L. 94-114 (89 Stat. 577, 25 U.S.C. 459e) receipts distributed to members of certain Indian tribes which are referred to in section 5 of Pub. L. 94-114 (89 Stat. 577, 25 U.S.C. 459d).

2. Section 416.1236 is amended by adding paragraph (a)(13) to read as follows:

§ 416.1236 Exclusions from resources; provided by other statutes.

(a) For the purpose of § 416.1210(j), payments or benefits provided under a Federal statute other than title XVI of the Social Security Act where exclusion from resources is required by such statute include:

* * * * *

(13) Effective October 17, 1975, pursuant to section 6 of Pub. L. 94-114 (89 Stat. 577, 25 U.S.C. 459e), receipts distributed to members of certain Indian tribes which are referred to in section 5 of Pub. L. 94-114 (89 Stat. 577, 25 U.S.C. 459d).

[FR Doc. 78-11592 Filed 4-27-78; 8:45 am]

[4110-07]

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Increasing the Reasonable Value of Household Goods and Personal Effects and Automobile

AGENCY: Social Security Administration, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed rules increase the reasonable value of household goods and personal effects to $2,000 and the reasonable value of an automobile to $2,000 (i.e., the extent to which they can be excluded from a person's resources when the person's eligibility for supplemental security income (SSI) benefits is determined). The purpose in updating the excludable limits on household goods, personal effects, and an automobile is to maintain these limits in the same relative position to the economy as they were when first implemented. It is expected that these amendments to the regulations will provide for more equitable determinations regarding eligibility for SSI benefits.

DATE: Comments must be received by June 12, 1978.

ADDRESSES: Prior to final adoption of the proposed amendments to the regulations, considerations will be given to any data, comments, or arguments pertaining to the amendments which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203. Copies of all comments received in response to these proposed amendments will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION, CONTACT:

Mr. Henry D. Lerner, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulvard, Baltimore, Md. 21235, telephone 301-594-7336.

SUPPLEMENTARY INFORMATION: Section 1611(a) of the Social Security Act (42 U.S.C. 1382(a)) provides that, for an aged, blind, or disabled individual, or spouse to be eligible for supplemental security income (SSI) benefits, his or her resources may not exceed certain specified amounts. Section 1613(a) of the Act (42 U.S.C. 1382b(a)) provides that certain resources shall be excluded when determining an individual's eligibility for SSI benefits. With respect to household goods, personal effects, and an automobile, section 1613(a)(2) limits the exclusions "to the extent that their total value does not exceed such amount as the Secretary determines to be reasonable."

The amendments to the regulations increase the reasonable value of household goods and personal effects for purposes of exclusion, from $1,500 to $2,000 and the reasonable value of an automobile for purposes of exclusion, from $1,200 to $2,000.

The present regulations (20 CFR 416.1216 and 416.1218) provide for the exclusion of household goods and personal effects to the extent of $1,500; and the exclusion of an automobile to the extent of $1,200. Those limits were set by the Secretary in 1973 based on 1972 data and taking into consideration the practices followed by the States under the former assistance programs under titles I, X, XIV, and XVI of the Social Security Act.

Since then, inflation has caused an increase in the average value of such resources. The U.S. Department of Labor, Bureau of Labor Statistics, advises that during the period from April 1972 to June 1976 the average price of used cars increased by 63 percent. This indicates that a comparable model of a car having a value of $1,200 in April

1972 would have had, in June 1976, a value of $1,956. With respect to household goods and personal effects, the U.S. Department of Labor, Bureau of Labor Statistics, advises that the cost of new household durables increased 30.2 percent during the period from April 1972 to June 1976. This statistic indicates that the present limitation of $1,500 on excludable household goods is unreasonably low. The same quantity and quality of goods as those which were obtained in 1972 for $1,500 would have cost $1,953 in 1976. Thus a claimant currently applying, with the same type and amount of furnishings as a claimant who successfully applied in 1974, would now be determined ineligible due to excess resources. Updating the excludable limits on household goods, personal effects, and an automobile will maintain these limits in the same relative position to the economy as they were when first implemented.

The proposed amendments are to be issued under the authority in sections 1102, 1613(a), 1614(f), and 1631 of the Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1470, as amended, 86 Stat. 1471 and 86 Stat. 1475; 42 U.S.C. 1302, 1382b(a), 1382c(f), and 1383.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 10, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: April 24, 1978.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Paragraph (b) of § 416.1216 is revised to read as follows:

§ 416.1216 Exclusion of household goods and personal effects:

* * * * *

(b) *Limitation on household goods and personal effects.* In determining the resources of an individual (and spouse, if any), household goods and personal effects are excluded if their total market value is $2,000 or less. If the market value of household goods and personal effects is in excess of $2,000, the excess is counted against the resource limitation.

* * * * *

2. Paragraph (b) of § 416.1218 is revised to read as follows:

§ 416.1218 Exclusion of the automobile.

* * * * *

(b) *Limitation on automobile.*—(1) *General.* In determining the resources of an individual (and spouse, if any), an automobile is excluded if its current retail market value is $2,000 or less. If the retail market value of the automobile exceeds $2,000, the excess is counted against the resource limitation.

(2) *Total exclusion.* An automobile is totally excluded:

(i) If it is used for employment; or

(ii) If it is used for the medical treatment of a specific or regular medical problem of the individual; or

(iii) If it is used for the medical treatment of a specific or regular medical problem of a member of the individual's household, or

(iv) If it has been modified for operation by a handicapped person; or

(v) If it has been modified for transportation of a handicapped person.

* * * * *

[FR Doc. 78-11594 Filed 4-27-78; 8:45 am]

[4110-03]

Food and Drug Administration

[21 CFR Part 1000]

[Docket No. 76N-0145]

DIAGNOSTIC RADIOLOGY FACILITIES QUALITY ASSURANCE PROGRAMS

Proposed Recommendation

AGENCY: Food and Drug Administration.

ACTION: Proposed recommendation.

SUMMARY: This is a proposed recommendation for quality assurance programs for operators of diagnostic radiology facilities as part of the agency's efforts to minimize unnecessary exposure of the public to electronic propduct radiation. This action is being taken because data from several sources indicate that many diagnostic radiology facilities are producing poor quality images and giving unnecessary patient radiation exposure.

DATE: Comments and data by October 25, 1978.

ADDRESS: Written comments 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:

Charles P. Froom, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2436.

SUPPLEMENTARY INFORMATION: Under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), the Bureau of Radiological Health of the Food and Drug Administration (FDA) (hereafter "the Bureau") conducts and supports research, training, and operational activities to minimize unnecessary exposure of the public to electronic product radiation. In carrying out this purpose, the Commissioner of Food and Drugs is authorized to make such recommendations relating to the control of electronic product radiation as he considers appropriate. Accordingly, he proposes to add new § 1000.55 (21 CFR 1000.55) to provide a recommendation that health practitioners and others responsible for the operation of diagnostic x-ray facilities establish quality assurance programs in such facilities.

The performance standard for diagnostic x-ray equipment (21 CFR 1020.30 through 1020.32) is intended to assure that medical and dental diagnostic x-ray equipment is manufactured and installed so as to minimize unnecessary or unproductive radiation resulting from its use. The goal of this proposed recommendation is to encourage diagnostic radiology facilities to voluntarily establish quality assurance programs for all equipment components of the facility, not just those addressed by the standard. The Commissioner believes that facility-based programs would, through adequate monitoring and maintenance, keep at a minimum unproductive patient radiation exposure produced by the equipment after installation. In addition, such programs will help assure that the facility produces good quality diagnostic images and may reduce facility operating costs. Thus the proposed recommendation, through voluntary actions, would expand and extend the impact of the performance standard.

THE NEED FOR QUALITY ASSURANCE PROGRAMS

Information from several sources indicates that in many cases diagnostic radiology facilities are producing poor quality images and giving unnecessary radiation exposure. An early indication of the need to promote diagnostic radiology quality assurance programs was revealed by such information, including a study of the radiographs submitted to the National Institute of Occupational Safety and Health (NIOSH) under its Pneumoconiosis Compensation Program. To qualify to participate in this program, facilities must be certified by NIOSH as being competent. As evidence of competence,

sample chest radiographs, information on the equipment used, and the qualifications of the technologists must be submitted to NIOSH. If a facility is certified, the radiographs are read at the facility (A readers) and by members of the departments of radiology of three major medical centers (B readers). If the A and B readers disagree, the radiographs are sent to the department chairman of one of the three major medical centers (C readers), whose decision is final. In addition to being certified as competent, the A readers must win approval either through attending a 2-day training seminar held jointly by the American College of Radiology and NIOSH or by submitting six radiographs showing various stages of pneumoconiosis along with their interpretations. Despite the screening of facilities and readers for competence, Trout, et al., found that 44 percent of the certified facilities examined had from 10 to 40 percent of their submitted radiographs rejected by the B or C readers as being of inadequate quality for the diagnosis of pneumoconiosis (Ref. 1).

Image quality problems were also seen in a study of pre-authorization dental radiographs submitted to Pennsylvania Blue Shield. A preliminary evaluation found that at least 50 percent of the films were not adequate to determine the efficacy of the proposed treatment. A more detailed followup investigation found 55.3 percent of the full mouth series and 53.6 percent of the partial mouth series radiographs to be technically unsatisfactory (Ref. 2).

Poor image quality is not limited to just dental and pneumoconiosis radiographs. A representative of a major film manufacturer reported that the general radiographic facilities with which the manufacturer had worked rejected on the average 13 percent of the facilities' radiographs as being of inadequate quality (Ref. 3).

The authors of these studies listed the reasons why the images were considered to be of inadequate quality. Some of these reasons were related to difficulties that could be eliminated or reduced by adequate quality assurance programs in the diagnostic radiology facilities. Other studies also indicate that electrical or mechanical problems exist with a large percentage of the x-ray units examined (Refs. 4, 5, and 6). These electrical and mechanical difficulties may lead to poor image quality. Quality assurance programs have the potential of detecting and correcting these problems also.

The effect of poor quality images is twofold. If the image is not of optimum quality then the practitioner does not have the maximum amount of diagnostic information available to him. The chance of making a wrong diagnosis or of not detecting an abnormal condition is increased. In addition if the quality of the radiograph is so poor that the examination must be repeated, the patient will have received unproductive radiation exposure during the original examination.

Unnecessary radiation exposure may also be received by the patient in the production of those radiographs that do not have to be repeated. Data from the Bureau's Nationwide Evaluation of X-Ray Trends (NEXT) program revealed that the "standard patient" (as defined within Ref. 7) would have received widely different exposures depending upon the facility, or even the machine within a facility, at which the examination was received (Ref. 8). A Bureau analyst has suggested that this variation could be reduced by adequate facility quality assurance programs (Ref. 9).

In total, the above studies identified problems of poor image quality and unnecessary patient exposure in diagnostic radiology facilities. Evidence from two additional studies supports the Bureau's conclusion that facility-based quality assurance programs could correct or at least reduce these problems. A Bureau study conducted in cooperation with the Radiology Department of the Public Health Service hospital in Baltimore showed that a quality assurance program limited to automatic film processors reduced by 30 percent the number of retakes required because of poor image quality of the original radiograph (Ref. 10). The major film company study cited above reported that the facilities that adopted quality assurance programs for the entire facility were able to reduce their rejection rate from an average of 13 percent to an average of 7 percent (Ref. 3). Reducing the number of rejected radiographs of course means a reduction in unproductive radiation exposure. The Commissioner believes it is reasonable to conclude that a program that reduces the need for retakes would also improve the quality of the radiographs actually read, and the diagnostic information available to the practitioner would thereby be increased.

An FDA analyst has estimated the potential nationwide reduction in patient dose due to facility-based quality assurance programs. Depending on the number of radiographs produced, the dose reduction from reducing the number of repeated radiographs in hospitals alone could range from 209,000 to 333,000 rems of active bone marrow dose or 195,000 to 333,000 rems of whole body dose annually (Ref. 11). Programs leading to fewer retakes in nonhospital facilities would add to this total as would the elimination of unnecessary radiation exposure in the production of the radiographs actually read in both hospital and nonhospital facilities. The Commissioner concludes that quality assurance programs would thus reduce the U.S. population's health hazard arising from unproductive radiation exposure.

The Commissioner believes that quality assurance programs in diagnostic radiology facilities may also lead to savings in operational costs. A study conducted at the University of Alabama at Birmingham estimated that a savings of $37,000 per year over personnel costs was attributable to the University's quality assurance program (Ref. 12). The Birmingham facility includes 26 radiology examination rooms and produces about 300,000 radiographs a year. Thus the net savings due to quality assurance was about $12,000/100,000 radiographs. The Bureau's Baltimore study indicated that a hospital taking 100,000 radiographs a year could expect to save at least $6,000 a year from a film processor quality assurance program alone (Ref. 10).

The need for diagnostic radiology quality assurance was discussed by the Bureau with its Medical Radiation Advisory Committee (MRAC) beginning in January 1974. In accordance with MRAC recommendations, the Bureau initiated quality assurance activities that were further endorsed in May 1975 by the committee. These activities included collecting information on current quality assurance efforts, testing additional techniques for identifying and correcting quality assurance problems, and examining ways to promote quality assurance programs in diagnostic radiology facilities.

As a result of these activities, it was concluded that the most effective way of promoting facility quality assurance would be by an educational approach. The value of such an approach was seen by the success of the Bureau's Dental Exposure Normalization Technique program in reducing patient exposure while maintaining or improving diagnostic quality in dental radiology. This recommendation is intended to be part of this educational approach. It will urge that facilities establish quality assurance programs and will suggest elements to be included in the programs.

Response To Advance Notice

In the Federal Register of May 7, 1976 (41 FR 18863), the Commissioner issued an advance notice of intent to propose recommendations for quality assurance programs for diagnostic radiology facilities. Substantive comments were received from 8 professional organizations, 7 government agencies, 6 manufacturers of x-ray or quality assurance equipment, and 23 individual radiologists, physicians, medical physicists, technologists, and engineers. A summary of the general com-

ments and the Commissioner's conclusions are as follows:

1. One comment contending that recommendations were unnecessary stated that "present State regulations are sufficient to assure quality in diagnostic x-ray facilities."

The Commissioner's review of existing State regulations and radiation control activities does not in general support this conclusion. However, efforts will be made to coordinate Federal and State activities in the quality assurance area with the assistance of the Quality Assurance Task Force of the Conference of Radiation Control Program Directors.

2. Four comments supported the concept of facility quality assurance programs but were concerned about practical problems. One comment believed that the cost of such programs would be too great for individual practitioners unless assistance was available from State agencies, professional groups, or medical schools. The other comments suggested that there is a shortage of trained quality assurance personnel.

The Commissioner concludes from his review of the quality assurance activities of the Bureau, State agencies, and private groups that efforts are already under way to solve these practical difficulties.

3. Ten comments supported the concept of facility quality assurance programs but expressed the opinion that certification, licensing, or other mandatory requirements might eventually be required for the success of these programs. Eight respondents, however, who believed that the voluntary approach should be tries first, are not in disageement with the value of a recommnedation.

4. The remaining comments supported the need for diagnostic radiology quality assurance programs and the issuing of a recommendation. Eighteen respondents who described their personal experience with quality assurance programs all believe their programs to be of value, although one mentioned that the program had not been operating long enough for full evaluation.

The Commissioner's analysis of the comments made on the benefits of quality assurance program follows:

a. Several comments indicated that they believed quality assurance programs in diagnostic radiology facilities would reduce patient radiation exposure. A survey of the diagnostic radiology departments of osteopathic hospitals, conducted by the Committee of Government Affairs of the American Osteopathic College of Radiology, also generally supported this conclusion. Of the 50 responding facilities, nearly all asserted that quality assurance would reduce patient exposure and would also improve diagnostic image quality.

b. Some comments stated that radiation exposure to healing arts personnel would be reduced.

c. Other comments agreed with the majority of responses to the osteopathic hospital survey, that consistent or improved diagnostic image quality would result. Some of these comments also indicated that, in addition to maintaining or improving diagnostic results, quality assurance programs would indirectly improve health care by minimizing inconvenience to the patient and by making it easier to evaluate new products.

d. The majority of comments discussing the impact of quality assurance on medical costs agreed that costs would be eventually reduced, although there might be an initial increase due to equipment purchases and adoption of the quality assurance routine. The few comments that suggested costs would increase acknowledged that this would be compensated by the benefits of such programs.

e. Several comments supported the conclusions of the previously mentioned Bureau's Baltimore study which cited fewer repeated radiographs as a major reason for cost reduction (Ref. 10). Others cited this reduction in retakes as a major reason for the expected reduction in patient exposure. Yet others suggested savings on repairs and improved planning for equipment purchases as sources of cost reduction.

In addition to inviting comments on FDA's intent to propose recommendations for quality assurance programs, the May 7, 1976 advance notice announced the availability of publications providing information on quality assurance programs and procedures. Over 1,200 requests for one or more of these publications have been received from individuals associated with a great variety of medical, industrial, and government organizations. This widespread interest, as well as the comments cited above, has encouraged the Commissioner to propose this recommendation for quality assurance programs in diagnostic radiology facilities.

Intent of Proposed Recommendation

The Commissioner intends to encourage all diagnostic radiology facilities to establish quality assurance programs. In addition, the recommendation will provide the organizational framework for these programs by describing the elements which they should include. However, it is recognized that different types of diagnostic radiology facilities have different needs and resources. Thus, although proposed § 1000.55(a) and (b)(1) advises that quality assurance programs are needed whenever an x-ray system is used to irradiate humans for diagnostic purposes, the recommendation suggests that the extent to which each element of the program is implemented should be determined by an analysis of the facility's specific objectives conducted by its personnel or by qualified outside consultants. The flexibility provided a facility by allowing it to determine the extent of its program based upon its own analysis of need will allow that facility to match its investment to resources while still selecting useful program techniques. Factors affecting this analysis would include the size of the facility as well as the types of examinations conducted.

Relationship of the Recommendation to Other Quality Assurance Activities

The variety of diagnostic radiology equipment in use and its ever changing nature would make it impractical to keep detailed instructions for quality assurance procedures up to date in the Code of Federal Regulations. Therefore proposed § 1000.55 will identify these procedures only in a general way. Information on the specific procedures will be provided by other Bureau and nongovernmental activities. These activities also include the provision of resources for training quality assurance personnel and the provision of consultative services to the facilities thus answering the concerns of some of the comments on the advance notice. In total, these activities and the recommnendation make up the educational approach to solving the problems of poor image quality and unnecessary radiation exposure.

Among the other Bureau quality assurance activities is the development of information on specific procedures through pilot programs such as the Bureau's Baltimore study (Ref. 3). The results of such pilot tests will be published as they become available. The Bureau has also sponsored seminars in which active quality assurance programs were discussed and has supplied transcripts of these seminars to interested parties. Publication of a series of quality assurance manuals is planned and the first of these, dealing with automatic film processors, has been released. A Diagnostic Radiology Quality Assurance Catalog listing equipment, training, and publications available to help facilities implement their programs has been assembled. A slide/tape training program entitled "A Basic Program of Quality Control for the Automatic Processor" is currently being developed for radiologic technologists and will be followed by other training programs for technologists. In cooperation with the State radiation control agencies, the Bureau has developed and conducted consultative quality assurance programs to assist facilities in dealing with specific problem areas. All of these activities

will provide detailed guidance in support of the recommendation.

Further information is available through the activities of various professional organizations on their own initiative and in association with the Bureau. The American College of Radiology has undertaken projects to investigate the reliability of radiographic equipment and to alleviate the problem of poor radiographic quality in the NIOSH Pneumoconiosis Compensation Program. An American College of Radiology Committee on Quality Radiographs has been established to develop programs and guidance to improve the quality of clinical diagnostic radiology. This committee, with the Bureau's support, is sponsoring a series of conferences dealing with specific problems. The Bureau also is assisting the American College of Radiology in testing a quality assurance kit.

The American Association of Physicists in Medicine has established a task force that, with the support of the American College of Radiology and the Bureau, is writing a recommended protocol for quality assurance tests. The American Dental Association and its local units have actively supported the Bureau's Dental Exposure Normalization Technique program. The International Chiropractors Association has sponsored a series of workshops for its members dealing with quality assurance and radiation protection. The Council on Roentgenology to the American Chiropractic Association has published guidance for their members which deals in part with quality assurance. The Commission on Radiology of the Federation of Chiropractic Licensing Boards is developing several programs to provide training and assistance to chiropractors in the implementation of quality assurance procedures. As the first step in making recommendations, the American Osteopathic College of Radiology has surveyed its members concerning current quality assurance practices. The American Society of Radiologic Technologists has offered training in quality assurance methods at its national and local meetings and in the past has encouraged attendance by giving Evidence of Continuing Education credits. Several x-ray equipment and film companies have also devoted considerable effort to developing quality assurance procedures and to training health personnel.

The commissioner concludes that these government and private activities will provide adequate information on the specific procedures to be conducted in a diagnostic radiology facility quality assurance program.

Discussion of Recommendation

Proposed § 1000.55(a) and (b)(1) makes clear that quality assurance programs are needed in any facility in which an X-ray system is used to irradiate humans for diagnostic purposes.

Proposed § 1000.55(b) defines several terms to alleviate their currently conflicting uses. The major definitions in § 1000.55(b) were discussed in the advance notice and apparently have been accepted. That notice should be consulted for examples of quality control techniques and quality administration procedures. The Commissioner advises that although the definition of what constitutes "high" quality has been left to the facility, the Bureau will continue its efforts to develop an objective means of determining radiograph quality. When available, such techniques will aid the facility in establishing acceptability limits.

Proposed § 1000.55(c)(1) stresses the Commissioner's belief that responsibility is central to the success of a quality assurance program. Several comments in response to the advance notice indicated that administrative problems presented greater difficulties in facility programs than did the availability of adequate monitoring and corrective techniques. A clear assignment of responsibilities, with authority to carry out such responsibilities, would help to solve this difficulty. Proposed § 1000.55(c)(1)(i) through (iv) suggests possible allotments of responsibility, developed in part from the Bureau's views on what is needed for an effective quality assurance program and in part from comments received in response to the advance notice.

If the equipment does not operate properly to begin with, the task of the quality assurance program is obviously made more difficult. The importance of purchase specifications, and especially of testing to determine whether newly installed equipment meets these specifications, was demonstrated by one respondent to the advance notice who had recently tested 50 new X-ray rooms after the equipment was adjusted to the satisfaction of the vendor. Not one of the rooms met the purchase specifications without further adjustment. Data in another comment showed that requiring equipment to meet purchase specifications before acceptance reduced the need for servicing after acceptance. With respect to some parameters, the provisions of § 1020.30 will provide a starting point for the writing of purchase specifications. For parameters not addressed by the standard, however, the facility staff, acting perhaps through its Quality Assurance Committee, should evaluate its needs as recommended in proposed § 1000.55(c)(2).

Traditionally, purchase specifications have been basically performance specifications. Recently, some facilities have reported that including performance specifications in the initial announcement to prospective vendors limits their choice of equipment. These authors (Refs. 13 and 14) found it to be of more value to initially describe the capabilities the equipment must have and to ask vendors to supply performance specifications for their equipment capable of performing these functions. The authors also report that this approach usually leads to more vendors bidding and thus gives them a greater choice of equipment. However, the Commissioner believes that even if initial specifications do not include performance specifications, the final written purchase specifications should state desired performance levels, and proposed § 1000.55(c)(2) so provides.

A number of parameters of the X-ray system which may require monitoring have been suggested in the open literature, by the Bureau's programs, and in comments on the advance notice. The list of parameters in proposed § 1000.55(c)(3) is a compilation from these sources. The wide variety of diagnostic radiology facilities and their equipment prevents the Commissioner from suggesting a definitive list for all facilities. He urges each facility to evaluate its own situation and select parameters that it needs to monitor, whether from the list or from other sources.

The consensus of the comments, which listed in order of importance the components of the X-ray system for monitoring purposes, was that the highest priority should be given to monitoring the image processor. This priority was based upon both the likelihood that difficulties would arise with the processor and the availability of monitoring techniques for that component.

Proposed § 1000.55(c)(4) recommends that facilities adopt definite, and where possible, objective standards of acceptable image quality. The Commissioner has concluded that without such standards, interpreting findings will be difficult, and responsible personnel will be uncertain as to when corrective measures are required.

Proposed § 1000.55(c)(5) emphasizes the importance of ongoing evaluations of both equipment performance and effectiveness of the facility's quality assurance program. The Commissioner believes such evaluations are required to determine corrective action needs, to justify the continuation of the program, and to adjust the techniques and procedures to meet new situations, thus increasing program effectiveness. Evaluating equipment performance should be based where possible on monitoring results, although the opinions of technologists and radiologists will also be useful in detecting the presence of malfunctions if not their causes. Other useful procedures for evaluating the effectiveness of a qual-

ity assurance program, suggested both by Bureau experience and by response to the advance notice, include studies of the number and basis for retakes, the number of minimally acceptable but poor radiographs, repair costs, records of unscheduled maintenance, or comparison of the monitoring results over a period of time. Finally, a number of comments mentioned that the subjective standards of quality set by the radiologists would be important in evaluating the effectiveness of the quality assurance program.

Proposed § 1000.55(c)(6) stresses the importance for planning and evaluation purposes of keeping accurate records. This was the quality administration procedure most often mentioned in the responses to the advance notice. Such records are essential for guaranteeing that necessary monitoring and maintenance have been performed. They are basic for making effective use of the warranty provisions on X-ray equipment and the services of the manufacturer's representatives, as an aid in future equipment selection, and for planning the replacement schedules for X-ray equipment. They are also necessary for adjusting the quality assurance program so that the greatest effort is placed in the area of greatest need. Finally, records are useful to support the need for a quality assurance program.

Proposed § 1000.55(c)(7) stresses the need for all staff members to be informed of their responsibilities in the facility quality assurance program. The Commissioner has found that ready reference to the necessary information is best guaranteed by an easily available program manual. The contents of a manual would of course depend on the size and complexity of the facility, e.g., individual practitioners might be able to rely heavily on standard protocols developed by government or private bodies while larger, more specialized facilities might need to develop their own. Even in the second case, quality assurance publications prepared by government and private bodies would provide useful instructions on individual procedures and might well be listed in response to proposed § 1000.55(c)(7) (iii) and (vi).

Proposed § 1000.55(c)(8) emphasizes the importance of well-trained personnel. Many comments were in general agreement that training was basic to the success of a quality assurance program. Some suggested that training could also be used to encourage implementation of quality assurance programs. As already noted, the lack of trained personnel was also cited as a practical barrier to implementing quality assurance programs, but government and private groups are taking steps to make quality assurance training available. The Bureau, through its Diagnostic Radiology Quality Assurance Catalog, is seeking to disseminate information on these training programs.

Proposed § 1000.55(c)(9) emphasizes the importance of establishing a quality assurance committee with representation from all segments of the medical staff. Representative committees have proved successful in the institutions working with radioactive materials under a Nuclear Regulatory Commission license, in medical facilities dealing with problems such as planning for major disasters, and in at least one diagnostic radiology quality assurance program. The Commissioner believes that such committees would be useful also in the diagnostic radiology area for the purposes listed in proposed § 1000.55(c)(9) and to solve other administrative problems as they arise. The Commissioner realizes that committees would be feasible only for larger facilities, not for individual practitioners' offices.

Proposed § 1000.55(c)(10) stresses that periodic review and update of the quality assurance program are necessary in all facilities if the program is to continue to provide the maximum possible benefits.

REFERENCES

(1) Trout, E. D., G. Jacobsen, R. T. Moore, and E. P. Shoup, "Analysis of the Rejection Rate of Chest Radiographs Obtained During the Coal Mine Black Lung Program," *Radiology*, 109:25–27, 1973.

(2) Beideman, R. W., O. N. Johnson, and R. W. Alcox, "A Study to Develop a Rating System and Evaluate Dental Radiographs Submitted to a Third Party Carrier," *Journal of the American Dental Association*, 93:1010–1013, 1976.

(3) Hall, C. L., "Economic Analysis of a Quality Control Program," to be published in *Application of Optical Instrumentation in Medicine, VI, Proceedings of the Society of Photo-Optical Instrumentation Engineers*, 127, 1977.

(4) Brown, M. R., "Preventive Maintenance Reduces X-Ray Equipment Costs," *Dimensions in Health Service*, 51:3, 1974.

(5) Starchman, D. E., R. G. Johnson, and W. J. Howland, "Linearity of Exposure with Indicated Time and Current for Diagnostic Radiography Units," *Radiology*, 122:489–492, 1977.

(6) Starchman, D. E., R. G. Johnson, D. L. Hykes, and W. J. Howland, "The Role of kVp Accuracy of Diagnostic X-Ray Units and Other Performance Parameters in Quality Assurance," *Application of Optical Instrumentation in Medicine, V, Proceedings of the Society of Photo-Optical Instrumentation Engineers*, 96:31–36, 1976.

(7) Morgan, R. H. and E. F. Gehret, Jr., "Gonad Exposure in Medical Radiography: A Handbook of Scatter/Primary Exposure Ratios," BRH/DMRE Contract Report: PH 86–68–63, Public Health Service, U.S. Department of Health, Education, and Welfare, May 1971.

(8) Bunge, R. E., R. E. Gross, J. J. Vucich, and M. H. Barnett, "The Need for Quality Assurance in Diagnostic Radiography," presented at the *Midyear Symposium of the Health Physics Society*, 1976.

(9) Vucich, J. J., "Quality Assurance: A Fundamental Whose Time Has Come," *Application of Optical Instrumentation in Medicine, IV, Proceedings of the Society of Photo-Optical Instrumentation Engineers*, 70:138–144, 1975.

(10) Goldman, L. and J. J. Vucich, "Automatic Processing QA: Impact on a Radiology Department," *Radiology*, 125:591–595, 1977.

(11) Environmental Impact Analysis Report for the Recommendation for Diagnostic Radiology Quality Assurance Programs, 1977.

(12) Barnes, G. T., R. E. Nelson, and D. M. Whitten, "A Comprehensive Quality Assurance Program: A Report of Four Years Experience at the university of Alabama in Birmingham," *Application of Optical Instrumentation in Medicine, V, Proceedings of the Society of Photo-Optical Instrumentation Engineers*, 96:19–23, 1976.

(13) Randall, M. G. and B. Horn, "A Systems Approach to Acceptance Testing of Diagnostic X-Ray Equipment," to be published in *Application of Optical Instrumentation in Medicine, VI, Proceedings of the Society of Photo-Optical Instrumentation Engineers*, 127, 1977.

(14) Stone, T., "Radiological Systems Acquisition Procedures," to be published in *Application of Optical Instrumentation in Medicine, VI, Proceedings of the Society of Photo-Optical Instrumentation Engineers*, 127, 1977.

The Food and Drug Administration has determined that this document does not contain an agency action covered by 21 CFR 25.1(b), and consideration by the agency of the need for preparing an environmental impact statement is not required. Pertinent background data and information on the recommendation proposed herein are on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1174–1175 (42 U.S.C. 263d)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 1000 be amended by adding new § 1000.55 to read as follows:

§ 1000.55 Recommendation for quality assurance programs in diagnostic radiology facilities.

(a) *Applicability.* Quality assurance programs as described in paragraph (c) of this section are recommended for all diagnostic radiology facilities. The extent to which each element of the quality assurance program is implemented should be determined by an analysis of the facility objectives and resources as conducted by its personnel or by qualified outside consultants.

(b) *Definitions.* As used in this section, the following definitions apply:

(1) "Diagnostic radiology facility" means any facility in which an x-ray system(s) is used in any procedure that involves irradiation of any part of the human body for the purpose of diagnosis or visualization. Offices of in-

dividual physicians, dentists, podiatrists, and chiropractors; mobile laboratories; clinics; and hospitals are examples of diagnostic radiology facilities.

(2) "Quality assurance" means the planned and systematic actions that provide adequate confidence that a diagnostic x-ray facility will produce consistently high quality images with minimum exposure of the patients and medical personnel. The determination of what constitutes high quality will be made by the facility producing the images. Quality assurance actions include both "quality control" techniques and "quality administration" procedures.

(3) "Quality assurance program" means an organized entity designed to provide "quality assurance" for a diagnostic radiology facility.

(4) "Quality control techniques" means those techniques used in the routine physical testing of the components of the x-ray system.

(5) "Quality administation procedures" are those management actions to guarantee that monitoring techniques are properly performed and evaluated and that necessary corrective measures are taken in response to monitoring results.

(6) "X-ray system" means an assemblage of components for the controlled production of diagnostic images with x-rays. It includes minimally an x-ray high voltage generator, an x-ray control, a tube-housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components that function with the system, such as image receptors, image processors, view boxes, and darkrooms, are also considered to be parts of the system.

(c) *Elements.* A quality assurance program should contain the following elements:

(1) *Responsibility.* (i) Responsibility and authority for the overall quality assurance program as well as for monitoring, evaluation, and corrective measures should be specified and recorded in a quality assurance manual.

(ii) Primary responsibility for implementing and maintaining the quality assurance program should be assigned to the practitioner in charge of the facility.

(iii) Responsibilty for the day-by-day execution of the program may be assigned to medical physicists, supervisory technologists, or quality control technologists provided they are qualified for such responsibilities.

(iv) Responsibility for specific quality control techniques or quality administration procedures may be further assigned to staff technologists provided they are qualified to perform these duties.

(v) Responsibility for certain quality control techniques and corrective measures may be assigned to qualified personnel, such as consultants or industrial representatives, from outside of the facility provided there is a written agreement clearly specifying these services.

(vi) In large facilities, responsibility for long-range planning of quality assurance goals and activities should be assigned to a quality assurance committee as described in paragraph (c)(9) of this section.

(2) *Purchase specifications.* Before purchasing new equipment, the staff of the diagnostic radiology facility should determine the desired performance specifications for the equipment. Initially these specifications may be stated in terms of the desired performance of the equipment, or prospective vendors may be merely informed of the functions the equipment should be able to perform and asked to provide the performance specifications of their equipment that can perform these functions. In either case the responses of the prospective vendors should serve as the basis for negotiations to establish the final purchase specifications, taking into account the state-of-the-art and balancing the need versus the cost of the equipment to meet the desired specifications. The final purchase specifications should be in writing and should include performance specifications. After the equipment is installed, the facility should conduct a testing program to assure that the equipment meets the agreed upon specifications, including applicable Federal and State equipment regulatory requirements. The equipment should not be accepted until any necessary corrections have been made by the vendor.

(3) *Monitoring.* A routine quality control monitoring system conducted on a regular schedule should be established incorporating state-of-the-art procedures. The purpose of monitoring is to permit evaluation of the performance of the facility's X-ray system(s) in terms of the standards for imaging capability established by the facility (as described in paragraph (c)(4) of this section) and compliance with applicable Federal and State regulatory requirements.

(i) The parameters to be monitored in a particular facility should be determined by that facility based on an analysis of its needs. Such factors as the size and resources of the facility, the type of examinations conducted, and the quality assurance problems that have occurred in that or similar facilities should be taken into account in establishing the monitoring system. The monitoring frequency should also be based upon need and can be different for different parameters.

(ii) Examples of parameters that may be monitored are:

(*a*) For film processing:

An index of speed
An index of contrast
Base plus fog
Solution temperatures
Solution compositions
Darkroom integrity
Safe light conditions
Film artifact identification

(*b*) For fluoroscopic X-ray units:

Operating table-top exposure rates
Centering alignment
Collimation
kVp accuracy
mA accuracy
Exposure time accuracy
Reproducibility of X-ray output
Focal spot consistency
Half-value layer

(*c*) For image intensified systems:

Resolution
Focusing
Distortion
Glare
Low contrast performance
Physical alignment of camera and collimating lens

(*d*) For radiographic X-ray units:

Reproducibility of X-ray output
Linearity of mA stations
Accuracy of timer stations
Accuracy of kVp stations
Accuracy of SID indicators
Light/X-ray field congruence
Half-value layer
Focal spot size consistency

(*e*) For automatic exposure control devices:

Reproductibility
kVp compensation
Field sensitivity matching
Response capability backup timer verification

(*f*) For cassettes:

Film/screen contact
Screen condition
Light leaks
Artifacts

(*g*) For grids:

Alignment and focal distance
Artifacts

(*h*) For view boxes:

Consistency of light output with time
Consistency of light output from one box to another

(*i*) For tomographic systems:

Accuracy of depth and cut indicator
Thickness of cut plane
Exposure angle
Completeness of tomographic motion
Flatness of tomographic field
Resolution

(*j*) For computerized tomography:

Precision (noise)
Contrast scale
High and low contrast resolution
Alignment

(4) *Standards for image quality.* Standards of acceptable image quality should be established. Ideally these should be objective such as acceptability limits for the variations of param-

eter values, but they can be subjective, such as the opinions of professional personnel, in cases where adequate objective standards cannot be defined.

(5) *Evaluation.* The facility quality assurance program should include means for two levels of evaluation.

(i) Using the results of the monitoring procedures, the performance of the X-ray system(s) should be evaluated to determine whether corrective actions are needed to adjust the equipment so that the image quality consistently meets the standards described in paragraph (c)(4) of this section. this evaluation should include analysis of trends in the monitoring data as well as the use of the data to determine the need for corrective actions on a day-by-day basis.

(ii) The facility quality assurance program should also include means for evaluating the effectiveness of quality assurance actions. Possible means include ongoing studies of the retake rate and the causes of the repeated radiographs, examination of equipment repair and replacement costs, subjective evaluation of the radiographs being produced, occurrence and reasons for complaints by radiologists, and analysis of trends in the results of monitoring procedures such as sensitometric studies.

(6) *Records.* The progam should include provisions for the keeping of records on the performance and results of the monitoring techniques, the difficulties detected if any, the corrective measures applied to these difficulties, and the effectiveness of these measures. These records should be made available to vendors to help them provide better service.

(7) *Manual.* A quality assurance manual should be written and made readily available to all personnel. To facilitate revisions, a loose leaf format is preferable to a bound manual. At a minimum, the manual should include:

(i) A list of the individuals responsible for monitoring and corrective techniques.

(ii) A list of the parameters to be monitored and the frequency of monitoring.

(iii) A description of the standards, criteria of quality, or acceptability limits which have been established for each of the parameters monitored.

(iv) A brief description of the monitoring procedures to be used for each parameter.

(v) A description of procedures to be followed when difficulties are detected by monitored or other means, to call these difficulties to the attention of those responsible for correcting them.

(vi) A list of the publications in which detailed instructions for monitoring and correction procedures can be found. Copies of these publications should be readily available to the entire staff.

(vii) A list of the records which must be kept, along with sample forms.

(viii) A copy of each set of purchase specifications developed for new equipment.

(8) *Training.* The program should include provisions for appropriate training for all personnel with quality assurance responsibilities.

(9) *Committee.* To administer its quality assurance program, any facility whose size would make it impractical for all staff members to meet for planning purposes should establish a quality assurance committee with representation from all segments of the staff involved in the operation of the X-ray system. A committee should assign responsibilities, establish monitoring techniques and frequencies, maintain acceptable standards of quality, periodically review program effectiveness, and maintain the quality assurance manual. In smaller facilities, all staff members should participate in a committee's tasks. The Quality Assurance Committee should report directly to the head of the radiology department and should meet on a regular basis.

(10) *Reviews.* The facility quality assurance program should be reviewed by the Quality Assurance Committee and/or the practitioner in charge to determine if its effectiveness could be improved. Items suggested for inclusion in the review include:

(i) The reports of the monitoring and corrective techniques to assure that they are being performed on schedule and effectively. This should be done at least quarterly.

(ii) The monitoring and corrective techniques and their schedules to assure that they continue to be appropriate and in step with the latest developments in quality assurance. This should be done at least annually.

(iii) The results of the evaluations of the effectiveness of the quality assurance actions to determine if changes need to be made. This should be done at least annually.

(iv) The quality assurance manual should also be reviewed at least annually to determine if revision is needed.

Interested persons may, on or before October 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 21, 1978.

SHERWIN GARDNER,
Acting Commissioner,
Food and Drugs.

[FR Doc. 78-11532 Filed 4-27-78; 8:45 am]

[4310-02]

DEPARTMENT OF INTERIOR

Bureau of Indian Affairs

[25 CFR Part 233]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZ.

Proposed Revision of Rates

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice of proposed revision of rates.

SUMMARY: The purpose of the proposed revision is to increase the three power rate schedules in § 233.51 Rate Schedule No. I—Residential Rate, § 233.52 Rate Schedule No. 2—General Rate, and § 233.53 Rate Schedule No. 3—Street and Area Lighting. Present revenues are inadequate to meet expenses. A study conducted in 1976 determined that the various classes of customers within the project contribute revenue in proportion to the costs of serving them; therefore, a 24 percent general increase is proposed to the existing rates. This increase is the minimum neceassary to meet additional expenses. In 1977, Power System expenses were $4,938,999.51, Power revenues were $4,679,261.06 for an operating loss of $259,738.45. The project has a repayment contribution of $500,000, a major maintenance reserve contribution of $50,000 and an anticipated FY 1978 operation and maintenance cost increase for labor and material of $300,000 for a total deficit of $1,109,738.45. The proposed 24 percent rate increase will produce the needed additional revenue.

DATES: Comments must be received on or before May 30, 1978 at Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue NW., Code 210, Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Charles P. Corke, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone number 202-343-2287.

SUPPLEMENTARY INFORMATION: Authority for this proposed revision

has been delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2. The purpose of the proposed revision is to increase the three power rate schedules in § 233.51, § 233.52 and § 233.53 to produce required revenues.

The prinicpal author of this document is Charles P. Corke, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone number 202-343-2287.

NOTE.—The Assistant Secretary—Indian Affairs 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 No. A-107.

This proposed revision is published in exercise of the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2. Notice is hereby given that it is proposed to revise § 233.51, § 233.52 and § 233.53 of Part 233, Subchapter U, Chapter I of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301 (1970 ed.) Section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210-211). The purpose of revising § 233.51, § 233.52 and § 233.53 is to provide additional power revenue to meet the additional operation and maintenance costs and to provide funds for the construction repayment contribution.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Assistant Secretary—Indian Affairs, Washington, D.C. 20245, on or before May 30, 1978.

It is proposed to amend Part 233, Subchapter U, Chapter I, of Title 25 of the Code of Federal Regulations as follows:

1. By revising Section § 233.51 to read as follows:

§ 233.51 Rate schedule No. 1—Residential Rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service for residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) $6.80, minimum which includes the first 50 kilowatt-hours;

(2) 7.6 cents per kilowatt-hour for the next 100 kilowatt-hours;

(3) 4.6 cents per kilowatt-hour for the next 350 kilowatt-hours;

(4) 2.2 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Minimum bill.* The minimum bill shall be $6.80 per month except when a higher minimum bill is stipulated in the contract.

(d) *Purchased power adjustment.* An adjustment shall be added to each KWH used equal to the estimated average purchased power adjustment (rounded to the nearest $.0001) paid by the Project to Project's power suppliers.

2. By revising § 233.52 to read as follows:

§ 233.52 Rate Schedule No. 2—General Rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase electric service for all purposes except residences and small, non-commercial users. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) $6.80, minimum which includes the first 50 kilowatt-hours;

(2) 7.6 cents per kilowatt-hour for the next 350 kilowatt-hours;

(3) 4.6 cents per kilowatt-hour for the next 600 kilowatt-hours;

(4) 2.5 cents per kilowatt-hour for the next 9000 kilowatt-hours;

(5) When use in 10,000 kilowatt-hours or more: First 10,000 kilowatt-hours $286.00;

(6) Additional kilowatt-hours at 2.5 cents per kilowatt-hour, less a credit of 0.5 cents per kilowatt-hour for each kilowatt-hour above 200 times the billing demand (50 KW minimum).

(c) *Minimum bill.* The minimum bill shall be $1.25 per month per kilowatt of billing demand, except where the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period. However, no monthly billing shall be less than $6.80.

(d) *Contract demand.* Each contract for 50 KW or over shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(f) *Billing demand.* The billing demand for a month shall be the contract demand or the actual; demand for the month, whichever is greater.

(g) *Purchased power adjustment.* An adjustment shall be added to each KWH used equal to the estimated average purchased power adjustment (round to the nearest $.0001) paid by the Project to the Project's power supplies.

3. By revising Section § 233.53 to read as follows:

§ 233.53 Rate Schedule No. 3—Street and Area Lighting.

(a) *Application of schedule.* This rate schedule applies to service for yard lighting, lighting streets, alleys, thoroughfares, parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own and operate lighting system and provide normal lamp replacements. Other maintenance shall be at customer's expense.

(b) *Monthly Rate.* (1) Lamps:

	Each		
	1	2 to 5	5 or more
200 W or less, incandescent (2,800 lm or less)	4.60	4.60	4.60
175 W mercury vapor (approximately 6,500 lm)	7.60	6.80	6.10
250 W mercury vapor (approximately 10,000 lm)	9.20	8.40	7.60
400 W mercury vapor (approximately 18,000 lm)	12.20	10.70	9.20

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service will be charged as determined by the Project Engineer.

Dated: April 21, 1978.

GEORGE V. GOODWIN,
Acting Assistance Secretary—Indian Affairs.

[FR Doc. 78-11539 Filed 4-27-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-059A]

OCCUPATIONAL EXPOSURE TO BENZENE

Liquid Mixtures; Informal Public Hearing

AGENCY: Occupational Safety and Health Administration, Department of Labor

ACTION: Notice of informal public hearing.

SUMMARY: This notice schedules an informal public hearing on OSHA's proposal to amend the permanent benzene standard to exclude from the standard liquid mixtures containing 0.1 percent or less benzene by volume and the vapors from such liquids (43 FR 12890). The purpose of holding this hearing is to receive oral testimony on all relevant issues pertaining to this proposed exclusion.

DATES: All notices of intention to appear must be postmarked on or before May 12, 1978. All parties requesting more than 15 minutes for a presentation at the hearing must submit texts of their testimony by May 16, 1978. Any documentary evidence to be presented at the hearing must be submitted by May 16, 1978.

Comments to the proposal (43 FR 12890) must be postmarked by May 12, 1978.

The informal public hearing will begin on May 23, 1978.

ADDRESS: Notices of intention to appear, written testimony and documentary evidence should be sent to the OSHA Division of Consumer Affairs, Docket No. H-059A, Room N-3635, U.S. Departent of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

FOR FURTHER INFORMATION CONTACT:

Kevin Conlon, OSHA Division of Consumer Affairs, Docket No. H-059A, Room N-3635, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

SUPPLEMENTARY INFORMATION: On March 28, 1978, pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and Title 29, Code of Federal Regulations, Part 1911, OSHA published in the FEDERAL REGISTER (43 FR 12890) a proposed amendment to 29 CFR 1910.1028 the permanent occupational safety and health standard regulating occupational exposure to benzene. OSHA's proposed amendment would exclude from coverage of 29 CFR 1910.1028 liquid mixtures containing 0.1 percent or less benzene by volume or the vapors from such liquids.

The notice of the proposed amendment solicited comments from the interested public on, among other things, the major issue of whether operations utilizing liquid mixtures below a prescribed percentage should be exempted from the benzene standard and, if so, what that prescribed percentage should be. Interested parties were given until May 12, 1978 to submit written data, views and arguments pertinent to OSHA's proposal and to issues relevant thereto, and also to submit objections and request an information public hearing with respect to that proposal. Pending conclusion of this rulemaking, OSHA stayed the application of the benzene standard to liquid mixtures containing 0.1 percent or less benzene or the vapors from such mixtures. [The benzene standard in its entirety has been stayed by the Fifth Circuit Court of Appeals in *API* v. *OSHA*, No. 78-1257].

OSHA has been informally advised that the American Petroleum Institute will file objections to OSHA's proposed percentage exclusion and will request a hearing on that issue. In view of this, and in order to provide interested parties with as much time as possible to prepare for participating in the hearing, OSHA has decided to schedule a hearing without waiting for the formal filing of objections and hearing requests. OSHA believes that the percentage exclusion issue should be resolved as soon as possible so that employers, and employees alike, can know which operations involving liquid mixtures are covered by the permanent benzene standard (29 CFR 1910.1028).

Accordingly, pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issue of the percentage exclusion will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on May 23, 1978 in Room N4437, Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Testimony at the informal public hearing will be limited to those issues directly related to the question of whether there should be a percentage exclusion in the permanent benzene standard and what that percentage should be. Other issues, such as the health effects of occupational exposure to benzene and the permissible exposure limits, have already been resolved by OSHA after extensive public comment and testimony and are not appropriate for this hearing.

Testimony and evidence is, therefore, sought on the issues raised below and any other directly related issues:

1. Whether work operations should be exempt from § 1910.1028 where the sole occupational exposure to benzene is from liquid mixtures containing less than a specified percentage of benzene.

2. Whether 0.1 percent benzene is the appropriate percentage for exemption, or whether the percentage figure should be higher or lower.

3. What is the current percentage (or range of percentages) of benzene in liquid products, such as printing inks, petroleum solvents suitable for tire building, adhesives, sealants, paints, coatings, detergents, insecticides, disinfectants, waxes, floor finishes, crude oil, petroleum solvents of varying grades, gas liquids, lubricating oils, petrochemicals, gasoline in refinery streams, and similar products.

4. What is the current percentage (or range of percentages) of benzene in other solvents commonly used as substitutes for benzene, such as toluene, xylene, hexane and solvent napthas.

5. To what levels can the percentage of benzene in the products be feasibly reduced.

6. What airborne concentrations of benzene result from the percentage of benzene in each product.

7. To what extent do various factors, such as temperature, dilution with ambient air, work practices, nature of operations, etc., affect the relationship between the percentages of benzene in the various products and resulting airborne concentrations, and should any exemption be limited to the use of these products under particular circumstances.

8. To what extent, and for which liquid mixtures, are benzene-free substitutes available.

9. If liquid mixtures of specified percentages are exempt from the other provisions of the benzene standard, should they nevertheless be subject to the labeling requirements of the standard. Conversely, if such mixtures are not exempt from this standard, should they be exempt from the labeling requirements.

NOTICES OF INTENTION TO APPEAR

All persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear, postmarked on or before May 12, 1978, with the OSHA Division of Consumer Affairs, Docket No. H-059A, Room N-3635, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024. The notices of intention to appear, which will be available for inspection and copying at the OSHA Technical Data Center-Docket Office (Room S6212), telephone 202-523-7894, must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;
(3) The approximate amount of time requested for the presentation;
(4) The specific issues that will be addressed;
(5) A detailed statement of the position that will be taken with respect to each issue addressed; and
(6) Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

FILING OF TESTIMONY AND EVIDENCE BEFORE HEARING

Any party requesting more than 15 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of testimony, including any documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. This material must be received by May 16, 1978 and will be available for inspection and copying at the Technical Data Center, Docket Office. Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 15 minute presentation, and may be requested to return for questioning at a later time.

CONDUCT OF HEARINGS

The hearing will commence at 9:30 a.m. on May 23, 1978, with resolution of any procedural matters relating to the proceeding. The hearing will be conducted in accordance with 29 CFR Part 1911. The hearing will be conducted in as expedited a manner as possible, consistent with a full development of the record and rights of the parties.

The hearings will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911. Following the close of the hearing or of any post hearing comment period that might be provided, the Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a standard will be issued based on the entire record in this proceeding.

COMMENTS ON THE PROPOSAL

As stated in OSHA's Notice of proposed rulemaking (43 FR 12890), interested parties have until May 12, 1978 to submit written data, views and arguments pertinent to OSHA's proposal and issues relevant thereto. That comment period is not changed by this notice of informal public hearing.

AUTHORITY

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Secs. 4, 6, 8, 84 Stat. 1593; 29 U.S.C. 653, 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).

Signed at Washington, D.C. this 26th day of April 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 76-11786 Filed 4-27-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 889-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New Jersey Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from the State of New Jersey to revise its State Implementation Plan (SIP). If approved by the Environmental Protection Agency, this revision will have the effect of continuing a current temporary relaxation for seventeen sources in southern New Jersey of a State regulation limiting the sulfur content of fuel oil. The current regulatory sulfur-in-fuel-oil limitation is 0.3 percent sulfur, by weight, for eight of these sources and 1.0 percent sulfur, by weight, for the other nine. Under provisions of the proposed SIP revision, the relaxations would allow, until July 12, 1978, the burning of fuel oil containing up to 2.5 percent sulfur, by weight.

DATES: Comments must be received on or before May 30, 1978.

ADDRESSES: All comments should be addressed to: Eckardt C. Beck, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007. Copies of the proposal are available for public inspection during normal business hours at: U.S. Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, N.Y. 10007; U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460; and New Jersey Department of Environmental Protection, John Fitch Plaza, P.O. Box 2807, Trenton, N.J. 08625.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2517.

SUPPLEMENTAL INFORMATION: On January 10, 1978 the Environmental Protection Agency (EPA) received a proposed revision to the New Jersey State Implementation Plan (SIP). The State's SIP revision submittal consists of seventeen administrative orders and a notice of public hearing, including a recent summary of air quality data for the southern New Jersey area. Each administrative order advised a source that the State had granted it a further relaxation, until July 12, 1978, from the existing sulfur-in-fuel limitation for that source and that this action was pending EPA approval. EPA had, during 1976 and early 1977, previously approved similar administrative orders for the seventeen sources now under consideration. EPA's prior approvals had the effect of authorizing relaxed sulfur-in-fuel oil limitations through July 12, 1977.

The sulfur content of fuel oil is normally regulated under Title 7, Chapter 27, Subchapter 9 of the New Jersey Administrative Code (N.J.A.C. 7:27-9.1 et seq.), "Sulfur in Fuel." A public hearing on the proposed revision was held on January 9, 1978. The State's analysis of the air quality impact of this proposed revision was previously submitted in April 1976, when similar orders were originally submitted by the State for inclusion in its SIP. A complete list of the sources under consideration and the limitations imposed under the proposed orders and existing regulation are provided in Table 1.

This current SIP revision request was submitted to EPA in accordance with all applicable EPA requirements as contained in 40 CFR Part 51. However, continued relaxation of sulfur content limitations might limit or preclude, depending on the degree of air quality degradation, the type and the amount of future growth in the affected areas.

Based upon the air quality data accompanying the proposed revision, EPA has determined that the seventeen orders making up the revision will not result in the contravention of any applicable air quality standard. Consequently, EPA proposes to approve this revision.

This notice is issued as required by section 110 of the Clean Air Act, as

TABLE 1.—*Existing and proposed sulfur in fuel oil limitations*

Source	Location	Percent sulfur by weight	
		Existing limitation	Proposed limitation
National Bottle Corp.	Salem City, Salem County	0.3	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County	.3	1.5
Heinz-U.S.A.	Salem City, Salem County	.3	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County	.3	1.5
Anchor Hocking Corp.	Salem City, Salem County	.3	2.0
Atlantic City Electric, Deepwater Station.	Pennsgrove, Salem County	.3	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County	.3	1.5
Mannington Mills, Inc.	Salem City, Salem County	.3	2.0
Atlantic City Electric, B. L. England Station.	Beesley Point, Cape May County	1.0	2.0
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County	1.0	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County	1.0	2.5
Leone Industries	Bridgeton, Cumberland County	1.0	2.5
Progresso Food Corp.	Vineland City, Cumberland County	1.0	2.5
Bridgeton Dyeing & Finishing Corp.	Bridgeton City, Cumberland County	1.0	2.5
Vineland Chemical Co.	Vineland City, Cumberland County	1.0	2.5
Hunt-Wesson Foods, Inc.	Bridgeton, Cumberland County	1.0	2.5
Ownes Illinois, Inc.	Bridgeton, Cumberland County	1.0	1.5

amended, to advise the public that comments may be submitted as to whether the proposed revision to the New Jersey State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

(Secs. 110, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7601).)

Dated: April 13, 1978.

ECKARDT C. BECK,
Regional Administrator,
Environmental Protection Agency.

[FR Doc. 78-11693 Filed 4-27-78; 8:45 am]

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

GRANTS FOR RESIDENCY TRAINING IN THE GENERAL PRACTICE OF DENTISTRY

Notice of Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations set forth requirements for grants to schools of dentistry and to accredited postgraduate dental training institutions for projects to plan, development and operate approved residency training programs in general dentistry and to assist participating residents who plan to practice general dentistry.

DATES: Comments must be received on or before May 30, 1978.

ADDRESSES: Written comments should be addressed to 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 p.m.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard Weaver, Education Development Branch, Division of Dentistry, Bureau of Health Manpower, Room 3-22 at the above address, telephone 301-436-6510.

SUPPLEMENTARY INFORMATION: On October 12, 1976, the Health Professions Educational Assistance Act of 1976, Pub. L. 94-484, added a new section 786(b) to the Public Health Service Act (42 U.S.C. 296g-6(b)). The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish a new Subpart L of 42 CFR Part 57, entitled "Grants for Residency Training in the General Practice of Dentistry" in order to implement this new statutory authority.

The following is a brief summary of the major features of the proposed regulations:

(a) Section 57.1102(c) of the proposed regulations defines the term "approved residency training program" to mean a general practice residency program in dentistry which has been approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs.

(b) Proposed § 57.1105(g) requires that if a primary care medical residency program is also conducted by the applicant, then joint medical and dental training experiences must be provided.

Interested persons are invited to submit written comments, objections, or data concerning the proposed regulations to the Director, Bureau of Health Manpower, at the address given above. All relevant material received no later than May 30, 1978 will be considered before adoption of final regulations.

It is therefore proposed to add a new Subpart L to 42 CFR Part 57 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: March 2, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: April 18, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart L—Grants for Residency Training in the General Practice of Dentistry

Sec.
57.1101 Applicability.
57.1102 Definitions.
57.1103 Eligibility.
57.1104 Application.
57.1105 Project requirements.
57.1106 Evaluation.
57.1107 Grant award.
57.1108 Grant payment.
57.1109 Expenditure of grant funds.
57.1110 Nondiscrimination.
57.1111 Grantee accountability.
57.1112 Publications and copyright.
57.1113 Applicability of 45 CFR Part 74.
57.1114 Records, audit, and inspections.
57.1115 Additional conditions.

AUTHORITY: Sec. 215 of the Public Health Service Act, 58 Stat. 690 as amended, 63 Stat. 35 (42 U.S.C. 216); Sec. 786(b) of the Public Health Service Act, 90 Stat. 2315 (42 U.S.C. 295g-6(b)).

Subpart L—Grants for Residency Training in the General Practice of Dentistry

§ 57.1101 Applicability.

The regulations of this subpart are applicable to the award of grants under section 786(b) of the Public Health Service Act (42 U.S.C. 295g-6(b)) to schools of dentistry and to accredited postgraduate dental training institutions to meet the cost of projects to: (a) Plan, develop, and operate an approved residency training program in the general practice of dentistry; and (b) provide financial assistance (in the form of traineeships and fellowships) to residents participating in any such program who are in need of financial assistance and who plan to practice general dentistry.

§ 57.1102 Definitions.

As used in this subpart:

(a) "Accredited postgraduate dental training institution" means a public or private nonprofit institution which operates a postgraduate dental training program that has received an accreditation classification of "accreditation eligible," "provisional approval," "conditional approval," or "approval," by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Approved residency training program" or "program" means a general practice residency program in dentistry which has been approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs.

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

(e) "Nonprofit school" means a school owned or 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 dentistry" means a practice of dentistry in which the dentist:

(1) Serves as a patient's first contact with the dental care system and provides the means of timely entry into that system;

(2) Evaluates the patient's general medical status and relates this to anticipated dental treatment;

(3) Assumes continuing responsibility for the patient's dental care and provides a comprehensive range of services which will minimize the need for patient referral;

(4) Coordinates dental treatment provided by various dental practitioners.

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

(h) "School of dentistry" means a public or private nonprofit school which provides training leading to a degree of doctor of dentistry or an equivalent degree 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 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.

(i) "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, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.1103 Eligibility.

Any school of dentistry or accredited postgraduate dental training institution located in a State may apply for a grant under this subpart.

§ 57.1104 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 prescribed. [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: (1) a full and adequate description of the proposed project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, in particular the requirements of § 57.1105, and (2) a budget justification for the funds requested. If the applicant requests funds for stipend support of residents, the applicant must provide evidence showing that income available from other sources, including income derived from 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.

§ 57.1105 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 786(b) of the Act, the regulations of this subpart, the terms and conditions of the award and the approved application.

(b) The project staff must plan, develop, and/or operate an approved residency program in the general practice of dentistry.

(c) Each project must have a project director, approved by the Secretary, who will have overall responsibility for the proper conduct of the project.

(d) Each project must have at least two residents enrolled in the training program.

(e) If the training site provides medical care, then the medical and dental care of patients must be coordinated.

(f) If a primary care medical residency program is conducted by the applicant, then joint training experiences must be provided. For purposes of this paragraph, primary care means internal medicine, family medicine, or pediatrics.

(g) Each resident who receives stipend support must sign a statement of intent to work in the practice of general dentistry.

(h) The training program, the performance of each resident, and the quality of patient care must be evaluated.

§ 57.1106 Evaluation.

The Secretary, after consultation with the National Advisory Council on Health Professions Education established by section 702 of the Act, will approve or disapprove applications filed in accordance with § 57.1104, taking into consideration, among other pertinent factors:

(a) The potential effectiveness of the proposed project in carrying out the training purposes of section 786(b) of the Act;

(b) The degree to which the proposed project adequately provides for meeting the project requirements set forth in § 57.1105;

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

(d) The qualifications of proposed staff and faculty; and

(e) The potential of the project to continue on a self-sustaining basis after the period of grant support.

[1] Applications and instructions may be obtained from the Grants Management Office, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, Md. 20782.

§ 57.1107 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 786(b) of the Act, as determined in accordance with § 57.1106.

(2) All grant awards will be in writing and will set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee. The project period for any grant under this subpart may not exceed three years.

(3) The provisions of paragraphs (a)(3) and (c) of 42 CFR 57.2108 shall apply to grants made under this subpart.

(b) *Determination of grant amount.* The provisions of paragraph (b) of 42 CFR 57.2108 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 from the residents' services.

§ 57.1108 Grant payments.

Payments to a grantee of a grant award will be made in accordance with 42 CFR 57.2109.

§ 57.1109 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 786(b) 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 secretarian instruction or for any religious purpose.

(b) The provisions of paragraph (b) of 42 CFR 57.2110 shall apply to grants made under this subpart.

§ 57.1110 Nondiscrimination.

The provisions of 42 CFR 57.2111 shall apply to grants made under this subpart.

§ 57.1111 Grantee accountability.

(a) *Accounting for grant award payments.* The provisions of paragraph (a) of 42 CFR 57.2112 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 786(b) 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, except that any grantee that is a State or local government, as defined in 45 CFR 74.3, which received royalties in excess of $200 a year must return the Federal share of the excess amount (computed by applying the percentage of Federal participation in the cost of the grant-supported project to the excess amount) to the Federal Government, unless a specific agreement provides otherwise.

(c) *Grant closeout.* The provisions of paragraph (c) of 42 CFR 57.2112 shall apply to grants made under this subpart.

§ 57.1112 Publications and copyright.

The provisions of 42 CFR 57.2113 shall apply to grants made under this subpart.

§ 57.1113 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 also apply to all other grantee organizations under this subpart:

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

§ 57.1114 Records, audit, and inspection.

The provisions of 42 CFR 57.2115 shall apply to grants made under this subpart.

§ 57.1115 Additional conditions.

The provisions of 42 CFR 57.2116 shall apply to grants made under this subpart.

[FR Doc. 78-11007 Filed 4-27-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 661]

COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Supplemental Notice of Proposed Rulemaking

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice requests specific comments from the public on the proposal to adopt Cape Falcon, Oreg., as a management boundary, in connection with the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California. Specific comments and data are requested on the following issues: (1) Whether the proposal to adopt the Cape Falcon management boundary line complies with the Fishery Conservation and Management Act (the Act) and the management objectives of the applicable fishery management plan (FMP), and (2) whether the administrative record supports the adoption of the Cape Falcon boundary.

DATES: Comments must be received on or before June 1, 1978.

ADDRESSES: Submission of comments: National Marine Fisheries Service (F3), Salmon Boundary Line, Page Building No. 2, 3300 Whitehaven Street NW., Washgington, D.C. 20235. Inspection of FMP administrative record: The administrative record on the FMP, which includes scientific data and other records pertinent to this issue, is available for public inspection through: (1) Director, Northwest Region, National Marine Fisheries Service, NOAA, 1700 Westlake Avenue, North, Seattle, Wash. 98109; and (2) Office of Fisheries Management (F3), National Marine Fisheries Service, NOAA, Page Building No. 2, 3300 Whitehaven Street NW., Washington, D.C. 20235. Inspection of public comment: Copies of all written comments will be available in the Environmental Sciences Information Center Library, Page Building No. 2, Room 193, 3300 Whitehaven Street NW., Washington, D.C. 20235. Photocopies of written comments will also be available at the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Wash. 98109.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Johnson, Northwest Regional Director, National Marine Fisheries Service, Seattle, Wash. 98109, telephone 206-442-7575.

SUPPLEMENTARY INFORMATION: On April 14, 1978, NOAA published in the FEDERAL REGISTER (43 FR 15629) an FMP for the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California, along with emergency regulations implementing the FMP for a 45-day period, a notice of proposed final rulemaking, and a request for public comments on the FMP and proposed regulations to be submitted by June 1, 1978. The Cape Falcon boundary proposal was one provision of the 1978 FMP and proposed regulations.

The FMP was submitted by the Pacific Fishery Management Council and approved on March 2, 1978, under section 304 of Act. The FMP and notice of proposed rulemaking were published under section 305(a) of the Act, and emergency regulations issued under section 305(e) of the Act.

The NOAA Office of Fisheries has received a petition for a "nonoral" hearing under section 305(b) of the Act on the provision of the FMP and its implementing regulations establishing a management boundary seaward of Cape Falcon, Oreg. North of the Cape Falcon boundary, the season and size limits on chinook salmon are more restrictive (north of the boundary commercial fishermen are subject to a 2-week closure in June and a 28-inch size limit on chinook salmon, as contrasted with a 26-inch size limit south of the boundary, and no closed season).

The petition, filed on behalf of various ocean trollers, requested special "nonoral" procedures for reviewing the validity of the data and rationale upon which the choice of the Cape Falcon boundary was based.

The FMP in effect in 1977 established a less restrictive management boundary approximately 1 nautical miles to the north at Tillamook Head, Oreg. The 1978 FMP states that available evidence indicates that last year's Tillammok Head boundary was not the southerly extent of a significant Columbia River chinook harvest, as previously thought; divided a major fishing area in which chinook are abundant; and was not outside the single-day fishing range from ports in the mouth of the Columbia River. One goal of the FMP, intended by adoption of the Cape Falcon boundary, is to increase runs of chinook salmon to the Columbia River system. Representatives of the commercial salmon trollers have claimed that placing the boundary line at Cape Falcon imposes a further restriction on them unjustified by the available data.

Recognizing the widespread interest generated by the Cape Falcon boundary proposal, it has been determined that the special comment procedure established in this notice would best serve the purposes of the Act and the public interest.

Dated: April 25, 1978.

TERRY L. LEITZELL,
Assistant Administrator for Fisheries.

[FR Doc. 78-11606 Filed 4-27-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

TRI-COUNTY ELECTRIC ASSOCIATION, INC. SUNDANCE, WYO.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed application for financing by the Rural Electrification Administration for Tri-County Electric Association, Inc., Box 457, Sundance, Wyo. 82729, to finance approximately 62 miles of 230 kV transmission line from Wyodak to Antelope and the new Reno substation all in the State of Wyoming.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final Environmental Impact Statement may be examined during regular business hours at the offices or REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 1272 or at the borrower's address indicated above. Final action may be taken with respect to this matter after thirty (30) days.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 14th day of April 1978.

JOSEPH VELLONE,
Administrator, Rural Electrification Administration.

[FR Doc. 78-11386 Filed 4-27-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31319; Order 78-4-148]

DAN-AIR SERVICES LTD.

Order to Show Cause Regarding Request for Amendment of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April 1978.

On August 26, 1977, Dan-Air Services, Ltd. (Dan-Air), which holds a foreign air carrier permit under section 402 of the Act,[1] filed a motion requesting that the Board issue an order to all interested persons to show cause why Dan-Air's permit should not be amended to eliminate condition (6).[2] On March 1, 1978, following an informal staff request, Dan-Air forwarded, through diplomatic channels, a permit amendment application requesting identical relief.

Dan-Air's permit authorizes the carrier to engage in non-scheduled foreign air transportation, and its authority to carry property is restricted to ten annual one-way cargo charter flights. Condition (6) of Dan-Air's permit prohibits the carrier from operating any cargo charters on behalf of air freight forwarders.

In support of its motion, Dan-Air makes the following case. In the "Air Freight Forwarders' Charters Investigation," Order 77-7-25, July 13, 1977, the Board amended its Regulations to permit all U.S.-flag carriers (scheduled and non-scheduled) and all foreign scheduled carriers to charter aircraft to air freight forwarders. Charter-only foreign air carriers remained subject to the conditions in their permits which prohibit charters for or on behalf of air freight forwarders.[3] Dan-Air argues that the Board did not alter the permit conditions of the transatlantic foreign charter carriers in Order 77-7-25 because the foreign charter-only carriers did not participate in the "Air Freight Forwarders' Charters Investigation," and therefore, the Board did not have the question of the amendment of the foreign air carrier permits before it.[4] Dan-Air states that the Board has now established the principle that charters for air freight forwarders are consistent with the public interest and urges that the Board extend this principle and eliminate condition (6) from its permit. The carrier further states that elimination of the restriction will give it an opportunity to utilize its limited cargo charter authority, increase flexibility and economy in its passenger charter operations, and permit it to provide substitute or ancillary service for other foreign and U.S.-flag direct air carriers.

Trans International Airlines (TIA) and World Airways filed a joint answer in which they urge that the Board deny Dan-Air's request or defer consideration of Dan-Air's motion until the Board has acted on the request of the U.S. supplemental carriers for transatlantic cargo charter authority in the "Transatlantic Cargo Service Investigation," Docket 30789. The essence of the TIA/World objection is that any liberalization of the transatlantic cargo charter authority of the foreign charter carriers must await comparable liberalization of the transatlantic cargo charter rights of the U.S. supplementals.

Seaboard World Airlines filed an answer in opposition to the Dan-Air motion. In its answer, Seaboard states that if the Board amends Dan-Air's permit, it will be required to grant the same relief to the approximately twenty-five other charter-only transatlantic foreign air carriers whose permits are similarly restricted. Seaboard also argues that foreign charter-only carriers should not be permitted to operate cargo charters on behalf of air freight forwarders before a U.S. supplemental has obtained transatlantic cargo charter authority. (Seaboard indicates that it opposes transatlantic cargo charter authority for the U.S.

[1] Dan-Air's most recent permit was issued by Order 77-3-22, effective March 2, 1977.

[2] The language of condition 6 in Dan-Air's permit is: "(6) The holder shall not operate charters for or on behalf of air freight forwarders."

[3] Transatlantic foreign charter carriers are subject to this permit condition. Foreign charter carriers in other areas are not subject to this restriction. See "Air Korea, Foreign Permit," 48 CAB 17, at 18 (1967). No charter-only foreign air carriers participated in the Air Freight Forwarders' Charters Investigation. Although the Board in Order 77-7-25 amended its regulations to release freight forwarders from restrictions against chartering, foreign charter-only carriers on the North Atlantic remain restricted from operating charters on behalf of freight forwarders by special permit condition.

[4] Dan-Air cites the Board Language in Order 77-7-35 at 26 in support of this view.

supplementals). Finally, Seaboard notes that Dan-Air has failed to present any evidence of need for its services.

Dan-Air filed a reply to the answers of Seaboard and TIA/World, along with a motion for leave to file an unauthorized document. We will grant this motion and receive the Dan-Air reply.

We have tentatively concluded that the public interest requires that condition (6) of Dan-Air's permit be deleted. Therefore, we direct all interested persons to show cause why the applicant's foreign air carrier permit should not be amended as it has requested. Our tentative conclusion is supported by the following tentative findings.

As we noted in the Air Freight Forwarders Charter Investigation, Order 77-7-25, Op. at 2-3, chartering by forwarders, especially "* * * charters operating between the same points on a regular basis * * * raised the possibility of substantial diversion from scheduled cargo services particularly considering the possibility that numbers of forwarders might pool their freight through joint loading agreements, thus leaving little forwarder traffic to support the scheduled services. The Board was also concerned that forwarders might have a significant enough share of the traffic in some markets to give them undue influence over the direct carriers' rates and services." We concluded, however, that no restriction should be imposed on the ability of forwarders to engage in chartering from certificated scheduled and supplemental carriers holding authority to transport property and from foreign scheduled carriers also holding the appropriate authority, in interstate, overseas, or foreign air transportation. Forwarder charters have the potential for providing lower cost air freight services to the shipping public and service benefits to shippers in situations where scheduled service has deteriorated. We have, therefore, already decided that the benefits of forwarder chartering outweigh the detriments. In this case, the possible detriments of permitting a foreign charter-only carrier to charter to forwarders are especially slight since Dan-Air is restricted to ten one-way cargo charter flights per year.

It is not necessary for Dan-Air to submit evidence of a need for its new service. The original award of authority to operate ten annual one-way cargo charter flights was not premised upon a showing of need.[5] We assume that the authority to operate those cargo charter flights has improved Dan-Air's operating flexibility and permitted it to conduct its passenger charter operations more efficiently. The modest improvement in Dan-Air's authority which we are proposing here will further increase the carrier's flexibility and efficiency.

Our tentative conclusion that the amendment of Dan-Air's permit is in the public interest rests on general principles of comity and reciprocity. There is nothing in the record to suggest that U.S. carriers are restricted by the Government of the United Kingdom from chartering to air freight forwarders. Nor has any person suggested that the rights accorded U.S. air carriers by the Government of the United Kingdom are so restricted that Dan-Air's request for an amended permit should be denied.

TIA and World argue that the requested authority should not be granted before grant of transatlantic cargo authority to U.S. supplemental carriers. We are not persuaded that the limited authority granted here will have a significant competitive impact on the supplemental carriers. Dan-Air already has authority to operate ten one-way cargo charter flights per year. The modest improvement proposed here will only permit it to operate those ten flights on behalf of air freight forwarders.

Seaboard takes the position that the Board should not grant improved authority to foreign charter-only carriers until it has improved the authority of the U.S. supplementals, but also argues that the Board should not improve the cargo authority of the supplementals. Seaboard's convoluted logic is not persuasive. If Seaboard wishes to persuade the Board that it should deny Dan-Air's motion in order to protect Seaboard from Dan-Air's competition, it is free to submit evidence to that effect.

In summary, we tentatively find and conclude:

1. That it is in the public interest to amend the foreign air carrier permit held by Dan-Air Services, Ltd., so as to authorize the carrier to operate cargo charters for or on behalf of air freight forwarders;

2. That the public interest requires that the exercise of the privileges granted by the amended permit shall be subject to the terms, conditions, and limitations contained in the specimen permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Board;

3. That Dan-Air Services, Ltd., is substantially owned and effectively controlled by nationals of the United Kingdom;[6]

4. That Dan-Air Services, Ltd., is fit, willing, and able properly to perform the air transportation proposed in its application, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

5. That Dan-Air's motion presents no questions of fact or law that will require an oral evidentiary hearing to resolve;

6. That, except to the extent granted, the Dan-Air motion in Docket 31319 should be denied.

7. That the amendment of Dan-Air, Ltd.'s foreign air carrier permit is not a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975, as defined in § 313.4(a)(1) of the Board's regulations.

Accordingly, *it is ordered*, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here, and why an amended foreign air carrier permit in the form attached to this order should not, subject to the aproval of the President under section 801 of the Act, be issued to Dan-Air Services, Ltd.;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated here shall file with the Board and serve on the persons named in paragraph 6 a statement of objections supported by evidence within 21 days after the date of service of this order. If an oral evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing that cannot be established in written pleadings; responses to objections may be filed within 10 days of the 21 day period set for receipt of objections.

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with its tentative findings and conclusions set forth in this order if it determines that there are no factual issues presented that warrant the holding of an oral hearing;[7]

---

[5] Dan-Air Services, Foreign Permit, 55 CAB 446 (1970), and Judge's Recommended Decision at 460, served July 21, 1970. See also our discussion of the basis for awards of authority to operate ten annual one way cargo charters in Adria Airways Foreign Permit, 42 CAB 366 (1965) and Kar-Air Oy, Foreign Permit, 41 CAB 571 (1964).

[6] By Order 77-3-22, March 2, 1977, the Board renewed Dan-Air's foreign air carrier permit. The conclusions reached in the Dan-Air permit renewal proceeding, Docket 28087, continue to support the tentative findings advanced here.

[7] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Secretary shall enter an order which (1) shall make final the Board's tentative findings and conclusions set forth in this order and (2) subject to the approval of the President, shall issue an amended foreign air carrier permit to the applicant in the specimen form attached;

5. The Dan-Air motion for leave to file an otherwise unauthorized document be granted; and

6. Copies of this order shall be served upon Dan-Air Services, Ltd., Seaboard World Airlines, Inc., Trans International Airlines, Inc., World Airways, Inc., and the Ambassador of the United Kingdom in Washington, D.C.

7. This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

This order has been approved by the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[*]
Secretary.

UNITED STATES OF AMERICA CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Dan-Air Services Ltd. is authorized, subject to the following provisions, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation:

1. Charter flights with respect to persons and their accompanied baggage between any point or points in the United Kingdom of Great Britain and Northern Ireland (United Kingdom) and any point or points in the United States.

2. Planeload charter flights with respect to property between any point or points in the United Kingdom and any point or points in the United States, limited to 10 one-way flights within any calendar year.

3. Planeload single entity charter flights with respect to persons and their accompanied baggage between any point or points in any territory under the sovereignty, suzerainty, protection, jurisdiction, or trusteeship of the United Kingdom and any point or points in the United States, limited to 10 such flights within any calendar year.

4. Inclusive tour charter flights with respect to persons and their accompanied baggage between any point or points in the United Kingdom and any point or points in the United States.

5. Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanied baggage which originate and terminate at a point or points in the United Kingdom and serve a point or points in the United States and a point or points in any country other than the United Kingdom and the United States.

6. Charter flights (including inclusive tour charters) with respect to persons and their accompanied baggage between any point or points in Austria, Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, the Western sectors of Berlin, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and Yugoslavia, and any point or points in the United States, limited to charter flights which originate in a named European country or point.

7. Circle tour charter flights (including inclusive tour charters) with respect to persons and their accompanied baggage which originate and terminate at a point or points in Austria, Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, the Western sectors of Berlin, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and Yugoslavia, and serve a point or points in the United States and a point or points in any country other than a named European country or point and the United States.

This permit shall be subject to the following terms, conditions, and limitations:

(1) With respect to the authorizations contained in paragraphs 1, 2, 4, and 5 above, the holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in the United Kingdom, or transport any person whose journey, by any means of transportation begins or ends at a point not in the United States or the United Kingdom: *Provided*, That this condition shall not prevent the holder, under the authorization contained in paragraph 5, from serving a point or points in any foreign country between the point of origin and point of termination of the charter flight in the United Kingdom, or prevent the holder from carrying between a point or points in the United Kingdom and a point or points in the United States charters originating in one of the European countries named in paragraph 6 or 7 above.

(2) During any calendar year in which the holder: (a) Operates less than 18 charter trips originating outside the United States, the number of United States-originated charter trips shall not exceed those originating outside the United States by more than 6; (b) operates between 18 and 45 charter trips originating outside the United States, the number of United States-originated charter trips shall not exceed those originating outside the United States by more than one-third; (c) operates more than 45 charter trips originating outside the United States, the number of United States-originated charter trips shall not exceed those originating outside the United States by more than 15: *Provided, however*, That the Board may by order waive the limitations of this condition to the extent and for such flights, as the Board may find to be in the public interest. Any charter originating in one country and flown to another, whether one-way or round-trip, will be considered one charter trip for these purposes.

(3) The authority of the holder to perform inclusive tour charters originating in the United Kingdom shall be subject to the terms, conditions, and limitations contained in licenses to be issued by the Civil Aviation Authority of the United Kingdom authorizing the performance of such charters. The authority of the holder to perform inclusive tour charters originating in the United States shall be subject to the provisions of Part 378 of the Board's Special Regulations, or other regulations of the Board governing inclusive tours, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt. The authority of the holder to perform inclusive tour charters originating in a named European country or point shall be subject to the following conditions:

(a) Each tour shall provide overnight hotel accommodations at a minimum of 3 places other than the point of origin, such places to be no less than 50 air miles from each other.

(b) If more than one group is carried, each of the groups shall consist of 40 or more tour participants.

(c) The Board, by order or regulation and without hearing, may waive conditions (a) to (b) in whole or in part.

Provided, That with respect to inclusive tour charters originating in a named European country or point, the holder may operate such charters in conformity with the provisions of Part 378a of the Board's Special Regulations in lieu of the conditions specified in paragraphs 3(a)–(c) above.

(4) The exercise of the privileges granted by this permit, except with respect to inclusive tour charters, shall be subject to the provisions of Part 214 of the Board's Economic Regulations, and all amendments and revisions thereof as the Board, by order or regulation and without hearing, may adopt.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(7) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(8) By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

(9) The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air

[*]All Members concurred except Chairman Kahn who did not participate.

transportation; however, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

(10) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom shall be parties.

(11) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom for British international air service.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ————, and shall terminate March 2, 1982: *Provided, however,* That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and the United Kingdom are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

The Civil Aeronautics Board, through its Secretary, has executed this permit and affixed its seal on ————.

Secretary.

Issuance of this permit to the holder approved by the President of the United States on ———— in Order ————.

[FR Doc. 78-11618 Filed 4-27-78; 8:45 am]

[6320-01]

[Docket Nos. 29774, etc.; Order 78-4-109]

DELTA AIR LINES, INC., ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1978.

Application of Delta Air Lines, Inc., for route realignment by show-cause order, Docket 29774; applications of Delta Air Lines, Inc., for amendment of certificate, Dockets 25897, 26183, 31141, 31259; application of Allegheny Airlines, Inc., for amendment of certificate, Docket 30390; applications of American Airlines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., for route realignment by show-cause order, Dockets 28874, 29983, 28755.

By application, filed on September 14, 1976, and petition, filed on September 17, 1976, Delta Air Lines has requested the Board to issue an order directing interested persons to show cause why Delta's certificates of public convenience and necessity for Routes 8, 24, 27 and 54 should not be amended or modified to realign Delta's existing 25 domestic segments into one linear segment[1] and to eliminate certain conditions which Delta claims are no longer required for competitive reasons and impede the carrier's operating flexibility.[2] Additionally, Delta submitted an Environmental Evaluation, with respect to its application and petition, in accordance with Part 312 of the Board's Procedural Regulations.

In support of its application and petition, Delta asserts that its proposed realignment is consistent with, and has been filed in response to, recent Board orders establishing guidelines for the realignment of trunk carrier domestic systems.[3] Delta states that its system is currently one of the most restricted of any trunk carrier; that most of its certificate restrictions and conditions were imposed to protect carriers which no longer exist or no longer need protection, or to address market conditions which have totally changed; and that these restrictions only serve as barriers to operating efficiency and scheduling flexibility, and as impediments to the exercise of sound management judgment. Consequently, Delta sees the removal of outdated restrictions by realignment and show-cause procedures as resulting in increased service opportunities and public benefits, without significant competitive implications for other carriers. Moreover, Delta states that it has no plans to reduce or eliminate any existing schedules as a result of Board approval of its realignment request. Lastly, the petitioner proposes certain refinements and modifications to the Board's announced guidelines.

Answers in general support of the petition were filed by the Cincinnati Parties,[4] and the Las Vegas Parties.[5] Answers in general opposition to the petition were filed by the State of Maryland, the Port of Oakland, the Richland-Lexington Airport Commission (Columbia), and the Savannah Airport Commission.

Specific objections to Delta's proposal as it affects individual markets, as well as a variety of general objections directed to the question of realigning the route systems of trunkline carriers, are contained in answers filed by Allegheny Airlines, Frontier Airlines, Hughes Airwest, North Central Airlines, Ozark Air Lines, Piedmont Aviation, Southern Airways, and Texas International Airlines.[6]

Answers were also filed by Air California, American Airlines, Braniff Airways, Continental Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Trans World Airlines, United Air Lines, and Western Air Lines in which these carriers object to Delta's proposed certificate amendments in a number of markets.

A reply was filed by the Raleigh/Durham Airport Authority expressing support for Delta's proposal in particular and the route realignment concept in general. Also, Eastern filed a reply directed solely to the answer of Piedmont, while Delta filed a consolidated reply responding to numerous matters raised by the other parties.

Finally, Allegheny filed a motion to consolidate its application for new route authority in Docket 30390 with the route realignment applications of Delta, American, Eastern and United.[7] Answers in opposition to Allegheny's motion were filed by American, Delta, Eastern, and United.

As stated in the recent Western, Frontier, Piedmont, Texas Interna-

---

[1] A map showing the realigned system, as proposed by this order, is set forth in Appendix A.

[2] Delta's certificates for its international Routes 27F, 114, 154, 158 and 167 are unaffected by this application and petition. Additionally, Delta was awarded a 26th domestic segment—segment 9 of Route 24—authorizing service between the terminal point Denver, Colo., the intermediate point Tulsa, Okla., and the terminal point Altanta, Ga. subsequent to the filing of its realignment application. See "Oklahoma-Denver-Southeast Points Investigation", Order 77-4-146, April 29, 1977. Accordingly, Delta's Denver-Tulsa-Atlanta authority is not included in our realignment proposal. Rather, we propose to leave Delta's existing segment 9 intact, merely changing its designation to segment 2.

[3] Application of Western Air Lines, Inc.—Order to Show Cause, Order 76-5-101, May 21, 1976; Applications of United Air Lines, Inc. and American Airlines, Inc., Order 76-7-101, July 26, 1976. The Board has expressly stated that currently established guidelines are intended to be equally applicable to both trunkline and local service carrier route realignments. See, Order 76-5-101, at 9; Application of Ozark Air Lines, Inc., Order 76-7-102, July 26, 1976; Application of Ozark Air Lines, Inc., Order 77-3-175, March 31, 1977, at 2.

[4] The Greater Cincinnati Chamber of Commerce, the Kenton County Airport Board and the City of Cincinnati.

[5] Clark County, Nevada, the Greater Las Vegas Chamber of Commerce, the City of Las Vegas, the Nevada Resort Association and the Las Vegas Convention/Visitors Authority.

[6] Additionally, these eight local service carriers filed a motion requesting the stay of further procedural steps on trunkline realignment applications and the consolidation of these applications for purposes of receiving written and oral argument on certain alleged legal and policy issues concerning trunk realignments. This motion was filed in the Delta realignment docket, as well as in the realignment dockets of American (Docket 28874), Northwest (Docket 29449), United (Docket 28755), and Western (Docket 27123). Answers to the local service carriers' motion were filed by American, Continental, Delta, Eastern, Northwest, United, Western, the Savannah Airport Commission, and the Department of Justice. This motion was denied in the Western realignment proceeding, Order 77-11-74, November 17, 1977, pp. 4-13.

[7] To the extent that Allegheny seeks consolidation of these trunk realignment proceedings, we view Allegheny's motion as repetitive of the local service carriers' motion denied in Order 77-11-74. See note 6 supra.

tional, and Airwest route realignments,[8] it is Board policy to realign the route systems of the certificated scheduled carriers to maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows: and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. These objectives of the realignment process are equally applicable to trunk and local service carriers.[9]

It is our tentative view that Delta's proposed realignment, as modified by this order, is consistent with the Board's policy and objectives discussed above, and that substantial public service and carrier benefits will derive from the realigned route system.

Further, we tentatively find and conclude that the proposed realignment will offer Delta the potential for significant improvement in operating efficiency and will permit it to provide improved service to the traveling public, while having a minimal effect upon competing carriers. The consolidation of Delta's existing domestic system and the modification or elimination of unnecessary and burdensome conditions will allow Delta to provide new or improved service in markets in which such service is currently restricted as a result of either the arbitrary segmentation of the carrier's existing routes or outmoded certificate restrictions.[10]

GENERAL OBJECTIONS TO DELTA'S REALIGNMENT AND ALLEGHENY'S MOTION TO CONSOLIDATE

Several general objections have been raised to Delta's proposal which, in effect, call into question the Board's wisdom in pursuing its established realignment policy with respect to trunk carriers. Also, several carriers have raised the specter of the *Ashbacker* doctrine[11] as an alleged bar to the Board's individual consideration of requests by Delta for improved authority in specific markets.

Columbia and Savannah express the concern that since Delta is already the dominant carrier serving their respective communities, any improvement in Delta's authority in competitive Columbia/Savannah markets would constitute a direct threat to the existing services of other carriers serving these two communities,[12] while the liberalization of Delta'x authority in other Columbia/Savannah martkets would foreclose future valuable route opportunities for other carriers.

Other civic and carrier parties[13] join in expressing the concern that the award of improved authority to Delta in minor and monopoly markets will tend to preempt future route expansion opportunities for other carriers. These parties also contend that the realignment of Delta will result in the creation of massive amounts of dormant authority which will only serve to discourage attempts at entry into affected markets by new, otherwise willing, carriers. Thus, they suggest that any improvement in authority to Delta could well result in the retardation of needed service expansion in the future, contrary to the public interest. To remedy this perceived harm of the realignment program, several civic parties[14] suggest that the Board adopt a policy that if any particular route authority awarded in a realignment is not used during a twelve-month period and another carrier seeks that authority, the incumbent's rights gained through the realignment in the market involved would be automatically deleted upon authorization of the new applicant.

GENERAL OBJECTIONS TO DELTA'S REALIGNMENT AND ALLEGHENY'S MOTION TO CONSOLIDATE

Several general objections have been raised to Delta's proposal which, in effect, call into question the Board's wisdom in pursuing its established realignment policy with respect to trunk carriers. Also, several carriers have raised the specter of the *Ashbacker* doctrine[11] as an alleged bar to the Board's individual consideration of requests by Delta for improved authority in specific markets.

Columbia and Savannah express the concern that since Delta is already the dominant carrier serving their respective communities, any improvement in Delta's authority in competitive Columbia/Savannah markets would constitute a direct threat to the existing services of other carriers serving these two communities,[12] while the liberalization of Delta's authority in other Columbia/Savannah markets would foreclose future valuable route opportunities for other carriers.

Other civic and carrier parties[13] join in expressing the concern that the award of improved authority to Delta in minor and monopoly markets will tend to preempt future route expansion opportunities for other carriers. These parties also contend that the realignment of Delta will result in the creation of massive amounts of dormant authority which will only serve to discourage attempts at entry into affected markets by new, otherwise willing, carriers. Thus, they suggest that any improvement in authority to Delta could well result in the retardation of needed service expansion in the future, contrary to the public interest. To remedy this perceived harm of the realignment program, several civic parties[14] suggest that the Board adopt a policy that if any particular route authority awarded in a realignment is not used during a twelve-month period and another carrier seeks that authority, the incumbent's rights gained through the realignment in the market involved would be automatically deleted upon authorization of the new applicant.

First—addressing the concerns of Columbia and Savannah that any improvement in Delta's authority in competitive markets involving the two communities, might serve to undermine existing services operated by other carriers—we once again must stress that the current round of route realignments was not designed to include significant improvements in markets served by other carriers.[15] Our general guidelines were adopted with that limition in mind and exceptions to those guidelines have been made where an objector has properly demonstrated that mechanical application of the guidelines would produce a substantial competitive impact. Accordingly, in response to the specific concerns voiced by Columbia and Savannah, we have modified our guideline to provide that the applicant will be restricted to two intermediate stops more than the incumbent's best service in non-minor markets served by less than five nonstop round trips a day.[16]

[8] Orders 76-5-101, May 21, 1976; 73-12-45, December 11, 1973; 73-7-22, July 6, 1973; 73-1-47, January 15, 1973; and 72-4-140, April 26, 1972.

[9] Order 77-11-74, pp. 4, 5; Order 76-5-101, pp. 4, 5.

[10] Delta will, of course, be required by the "Domestic Passenger-Fare Investigation—Phase 9 (Fare Structure)", Order 74-12-109, December 27, 1974, to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which properly reflects the improved authority resulting from the realignment.

[11] *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945).

[12] Aside from Delta, Columbia is currently served by Eastern, Piedmont, and Southern, while Savannah is served by National.

[13] Maryland, Oakland, the Cincinnati Parties, the Las Vegas Parties, Raleigh/Durham, Allegheny, Piedmont and Texas International.

[14] The Cincinnati Parties, the Las Vegas Parties and Raleigh/Durham.

[15] Order 76-5-101, at 5.

[16] Appendix C, Guideline 3(c). Discussed below. We also note that all other carriers serving Columbia and Savannah have filed

Footnotes continued on next page

Secondly, we have addressed at length, and rejected on other occasions, the argument that route realignments result in the preemption of future route expansion opportunities by generating additional unused authority which deters new carriers from seeking to enter or further investing in affected markets.[17] It will suffice here merely to reiterate that in acting upon future route applications by other carriers, the Board has the power to grant new authority notwithstanding the existence of Delta's authority. Thus, in several recent cases, the Board has instituted route proceedings and awarded new nonstop authority notwithstanding the existence of dormant authority in the market.[18] Consequently, we are in complete agreement with those parties expressing the view that the existence of unused authority granted through the realignment program should have no effect on another carrier's chances of receiving authority in the same market. Therefore, we see no need to tie ourselves to a deletion policy respecting unused authority as suggested by the Cincinnati Parties, the Las Vegas Parties, and Raliegh/Durham.

Several carriers[19] contend that the liberalization of Delta's authority in markets currently subject to other pending route applications would be improper, absent contemporaneous consideration of all proposals for new route authority in each market. These carriers—including Allegheny, which has filed an application for new route authority in some forty-four markets in Docket 30390, along with a motion to consolidate the application into the realignment proceedings of Delta, American, Eastern and United—rely primarily on the *Ashbacker* doctrine in support of their argument.

We reject the contention that the *Ashbacker* doctrine bars the Board from engaging in a focused, seriatim approach to route realignments. *Ashbacker* requires consideration of competing applications only in cases in which the grant of one application would ecomonically preclude the grant of the applications of competitors. Most of the markets in which Delta here seeks liberalization of its existing authority are rather small in size. The Board has held on numerous occasions that *Ashbacker* does not require that it consider the applications of "newcomers" when it seeks to improve an incumbent's authority in small markets.[20] The only issue that need be addressed is whether the public convenience and necessity require the retention of the restriction in the incumbent's authority. In *Service to Spokane*, 41 CAB 1, 10 (1964), we stated that:

> A market large enough to allow an existing carrier or carriers to improve the quality of their service by providing nonstop flights is not necessarily large enough to warrant the certification of an additional carrier * * *. [T]he grant of Western's application is "precluded" not by the grant of [the incumbents' restriction removal application], but by the *existing* route system and the size of the market served by that system. We believe that in a situation like this, where the disability under which the applicant seeking to be heard finds itself stems in a real and practical sense from the fact that it is a newcomer seeking to be placed on a par with existing carriers, that *Ashbacker* does not require consolidation of the application. [Footnotes omitted.][21]

With respect to those larger markets which fall outside the *Spokane* rule, the possibility that new authority resulting from a realignment would preclude future awards to other applicants has decreased and will continue to decrease as we move toward a policy of freer entry. In any event, the authority we propose to grant in nonminor markets is limited at this stage so as to preclude it from having a substantial economic impact on the competitive structure of the market. Moreover, contemporaneous consideration of the applications of competing incumbents for improved authority in a given market surely is not required here. The realignment guidelines are applicable to all trunk and local service carriers alike. Consequently, the relief granted to one incumbent in a market under our realignment program, can not possibly "preclude" the grant of similar relief to other incumbents in subsequent realignment proceedings.[22]

Finally, the courts have made clear that the *Ashbacker* rule, being basically a rule of fairness, is to be applied with common sense and in a practical fashion. As the D.C. Court of Appeals stated in *Delta Air lines, Inc.* v. *C.A.B.*, 497 F.2d 608, 613 (1973):

> [*Ashbacker*] cannot be applied to complex air route questions as to telecommunications proceedings and * * * [it] cannot be applied so as to impair or eradicate the considerable measure of discretion that the Board must have in defining the scope of air route cases.[23]

Common sense dictates that carriers, and the public they serve, be permitted the benefits of that greater efficiency in operations which is the product of route realignments. To hold that *Ashbacker* applied in this case, would *practically* result in a termination of all realignments since any carrier could stop a realignment merely by filing an application whether or not it were serious about prosecuting it. Accordingly, we will deny Allegheny's motion to consolidate.

Realignment Guildelines

In order 76-5-101, the Board set forth the guidelines which it intended to use for future realignments; both trunk and local. However, we stated:

> As can be seen, the route realignment concept has been dynamic in nature, as we believe it should be. Accordingly, while earlier guidelines developed by the Board are valuable as a focal point, we by no means feel wedded to those criteria in considering present or future, realignment proposals.[24]

Moreover, in Order 76-7-101, we invited realignment applicants to submit proposed modifications to the guidelines. In response to Orders 76-5-101 and 76-7-101, a number of comments with respect to the guidelines have been filed in Delta's realignment proceeding as well as in the dockets of other pending realignments. The principal proposals contained in these comments are set forth in Appendix D. For the most part, the modifications proposed attempt to add greater precision to the realignment standards as they relate to the relaxation of restrictions in competitive, non-minor

---

Footnotes continued from last page
answers objecting to Delta's request for improved authority in numerous specific markets. These objections have been considered in developing our tentative realignment proposal for Delta.

[17] See, e.g., Order 77-11-74, pp. 10-13; Order 76-5-101, at 6; Order 75-7-5, pp. 4-6; Order 74-10-60, at 10.

[18] See, e.g., the *Oakland-Las Vegas/Phoenix/Subpart M* proceeding, Docket 27464, in which Airwest received unrestricted authority notwithstanding the fact that four carriers in the Las Vegas market and two carriers in the Phoenix market held essentially unused authority; and the *Baltimore-Norfolk Service* case, Docket 27506, in which Allegheny was awarded nonstop authority over the unused authority of National and United.

[19] Airwest, Allegheny, American, Braniff, Continental, Eastern and Piedmont.

[20] See, Order 77-11-74, pp. 13-15, for our latest discussion of this principle as applied to the Board's route realignment program.

[21] See also Orders 75-7-5, July 1, 1975; 73-4-113, April 26, 1973; *Braniff Airways, Certificate Amendment*, 50 CAB 763 (1969); *Denver-Calgary Service* case, 48 CAB 873 (1968); Order E-25188, May 24, 1967; Order E-22626, September 7, 1965.

[22] Aside from Delta's proposal, the Board currently has before it the, realignment applications of three local service and six trunk carriers—Airwest (Dockets 28830 and 28831), Ozark (Docket 28887), Southern (Docket 32060), American (Docket 28874), Continental (Docket 28857), Eastern (Docket 29983), Northwest (Docket 29449), United (Docket 28755), and TWA (Docket 30909). We intend, of course, to grant all realignment applicants similar relief to that proposed here for Delta from burdensome operating restrictions in comparable markets. Moreover, as we proceed through this round of realignments, we will not be disposed to consider objections predicated on the objecting carrier's superior authority in a market to the extent such superior authority was granted in a preceding realignment.

[23] See also, *National Airlines* v. *CAB*, 392 F.2d 504 (1968).

[24] Order 76-5-101, at 9.

markets. The Board's guildelines as developed in Order 76-5-101 contain terms such as "clearly superior," "competitive advantage," "substantial competitive implications," and "significant practical improvement," each of which offers the challange of further difinitional refinement by reference to quantitive standards focusing on concrete participation levels, service levels and other market data. While we believe that the guidelines are capable of being modified so that greater exactitude, certainty and simplicity can be brought to bear on the realignment process, there are two principles we have kept in mind in developing our modest revisions to the guidelines proposed in Order 76-5-101. First, no set of standards, no matter how carefully conceived, could possibly take account of every one of the myriad of market sutuations with which we are faced when we consider the removal of the outmoded certificate restrictions of local service or trunkline carriers. Secondly, we have long understood that the line that separates those liberalizations in authority which merely permit greater scheduling flexibility, equipment utilization and other operational efficiencies from those improvements which have genuine and identifiable competitive implications is uncertain in its contours and cannot be identified with mathematical precision. In developing the current guidelines, we have taken care that our standards result in improvements falling on the former side of the line and not the latter. In line with the dynamic nature of the realignment concept, however, we reserve the right to broaden our approach in the future as we move to a general policy of encouraging freer entry.

The guidelines are set forth in Appendix C. Those instances where we have been persuaded to deviate from these standards are appropriately noted in the relevant appendices setting forth our proposals for Delta with respect to specific markets. Several further comments with respect to our guidelines appear in order.

Monopoly Markets. In monopoly city-pair markets where Delta is the only carrier certificated at both points, we propose to continue our current policy of granting the applicant unrestricted nonstop authority. Appendix I sets forth Delta's monopoly markets, and specifies those markets in which improved authority has been objected to by another carrier.

Minor Markets. In small markets which generate fewer than 20 true O&D plus interline connecting passengers a day, we propose to continue our general policy of granting the applicant, and all other carriers authorized to serve such markets, unrestricted nonstop authority.[25] Appendix E lists all of the minor markets for which we are proposing nonstop authority and the recipient carriers. Appendix G lists those markets where we have been persuaded to deviate from the minor market guideline and limit our proposal to one-stop authority for the applicant only.

Non-minor Competitive Markets. We generally propose to follow the established realignment guidelines in nonminor competitive markets. Guideline 3(a) continues to provide that where the authority of the applicant and the objecting carrier is comparable in terms of stops and circuity, the applicant will be restricted to its current authority if there is an objection and if an improvement would give the applicant a competitive advantage. However, we agree with Delta that this standard is capable of further refinement, and accordingly, we have modified the guideline to state that the applicant will not be deemed to gain a competitive advantage if the applicant has captured at least 80 percent of the traffic in the market for the most recent 12 month period at the time of application, as measured by Table 10 of the Board's O&D Survey. We believe this historic measurement of the applicant's dominance in providing service to the public demonstrates that the applicant has already secured a pre-eminent position in the market, and therefore will gain no additional competitive advantage of any significance if improved operating rights are granted.

Further, we believe that establishment of a circuity sandard to be employed in determining whether the removal of a specific stop restriction will have competitive consequences is desirable. However, we agree with TWA that the uniform 50 percent circuity threshhold suggested by the Board in Allegheny's realignment proceeding[26] is inappropriate for trunkline route realignments, where the average length of haul is appreciably greater than that experienced by the local service carriers. In medium and long haul competitive markets a circuity factor well below 50 percent may preclude a carrier from developing a significant competitive stake in the market. Accordingly, to assure that substantial practical improvements in competitive authority are not awarded in this type of situation, it is our tentative belief that a sliding circuity standard should be formulated which properly takes account of the length of market haul. We have declined to develop such an explicit standard for use in the Delta realignment, preferring to await the comments and suggestions of interested carriers and civic parties to our proposal. In the few markets where the degree of circuity is a determinative factor in our proposal for modification of Delta's authority, we have evaluated the competitiveness of the applicant's current authority on an ad hoc basis. These markets are properly noted in Appendix J.

We propose to continue our established policy of authorizing the improvement requested by the applicant in markets where its authority is currently superior to that of the objector. See Appendix C, Guideline 3(b).

As a refinement to Guideline 3(c), we are proposing generally to restrict the applicant to authority which is two intermediate stops more than the objector's best service, if the objector has a major stake in the market and the market is served by less than five nonstop round trips a day, five days a week. An objector's stake in the market will be deemed sufficiently large to trigger this more restrictive standard if the objector offers the best service in the market or carried a majority of Table 10 traffic during the base-year period. This modification of the guidelines expressly recognizes that the competitive balance existing in markets currently receiving marginal levels of nonstop service is more susceptible to being upset than is the case in those markets where a more dominant pattern of nonstop service has been established.[27] This embellishment to our guidelines will insure that no community experiences a significant decrease in nonstop frequencies as a consequence of our realignment proposals.

Lastly, we have tentatively determined that the removal of long-haul restrictions will normally not produce competitive implications, if the applicant's authority will otherwise remain stop restricted. Retention of long-haul restrictions in markets where the applicant already has captured the dominant share of the traffic (80 percent of Table 10 traffic) also appears to be unjustified—only serving to encourage inefficiencies in flight routings and schedules. In any event, we are proposing as a general rule to replace specific long-haul restrictions with general long-haul restrictions. See Appendix C. Guideline 3(d).

Satellite Airport Authority

Numerous parties[28] have objected to Delta's proposal to "dehyphenate" several points on its certificate for purposes of determining its realigned

[25] See Order 76-5-101, pp. 9-12 for a detailed discussion of the minor market standard.

[26] Order 74-8-28, at 6.

[27] The Board implicitly recognized this principle in Order 76-5-101, pp. 15-16, where the Board's proposal to remove Western's Condition (5) of Route 35 is discussed.

[28] Oakland, Braniff, Continental, National, TWA, United, and Western.

authority.[29] The net effect of this approach would be to give Delta improved authority at satellite airports which would be in many instances vastly superior to the authority proposed at the principal metropolitan airports. The objectors contend that due to the market interrelationship between principal and satellite airports,[30] a carrier should not receive satellite authority superior to its principal airport authority. The above reasoning is also employed to argue that Delta's authority at Baltimore should be limited to that to which it is entitled under our guidleines at Washington, D.C.[31]

Similar arguments regarding the issue of realigned authority at satellite airports were raised in the recent Western realignment proceeding. There, we agreed with the objectors that the grant of satellite authority superior to that awarded at the principal airports would indeed have potential competitive implications of a complexity which could not be conveniently considered in a route realignment proceeding.[32] We see no reason to depart from our determination in *Western*. Accordingly, authority will not be granted to Delta at a satellite airport which is superior to that which we propose at the principal airport unless its satellite authority is already superior to its main airport authority. In line with the above, we will deny Delta's request for dehyphenation of San Francisco-Oakland-San Jose and Los Angeles-Ontario-Long Beach. Those "minor" Baltimore and Ft. Lauderdale markets in which we are proposing to restrict Delta's authority to that held at the principal airport are separately set forth in Appendix F.

RELATED DOCKETS

Delta has filed requests for removal of restrictions in several dockets, which can be most efficiently handled within the context of our consideration of the carrier's route realignment proceeding.

Delta has filed applications requesting modification of Conditions (5) and (7) of Route 24 (Docket 25897), Condition (6) of Route 24 (Docket 26183), and Condition (14) of Route 24 (Docket 31141). Additionally, Delta has filed a request for nonstop authority between Raleigh/Durham and Atlanta and between Greensboro/High Point/Winston-Salem and Atlanta (Docket 31259). To the extent that Delta's requests are incorporated in our realignment proposal for the carrier, as expressed in this order and set forth in Appendices E–J, its requests in Dockets 25897, 26183, 31141 and 31259 will be granted. In all other respects, Delta's requests in the above dockets will be denied.

OTHER MATTERS

In certain markets we are proposing general stop restrictions in line with our guidelines where the applicant currently holds specific stop-restricted authority via a highly circuitous point (*i.e.* over 50 percent circuity). In those instances, we propose to eliminate the carrier's specific stop-restricted authority since it is practically unusable and its retention would only serve to complicate the carrier's amended certificate. Thus, for example, Delta now holds one-stop authority between Chicago and Ft. Wayne via Indianapolis (83 percent circuity). We propose to replace Delta's current restriction with a general two-stop restriction in the Chicago-Ft. Wayne market.

In line with our recent treatment of the Western realignment,[33] we propose to grant the applicant additional flexibility to operate flights over its realigned segment without regard to specific city-pair restrictions, subject to a traffic restriction. This would permit the applicant to operate nonstop flights between any two points on its segment: *Provided*, That on such flights, traffic enplaned at one of those two points is not deplaned at the other point.[34] In essence, this proposal merely substitutes a restriction on the carrier's *traffic* authority for the stop restriction on its *operating* authority, thereby affording Delta greater operating flexibility without any impact on other carriers.

Finally, Delta has filed an environmental evaluation in conformance with Part 312 of the Board's Procedural Regulations indicating that its proposals will not result in any substantial increase in air carrier operations. Moreover, the carrier asserts that the removal and amelioration of the certification restrictions proposed in its realignment application would result in improved fuel utilization and other operational efficiencies which would, in turn, afford opportunities for reductions of air pollution and for decreases in the ambient noise level. Accordingly, we tentatively find 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.[35]

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If a full-blown evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, *It is ordered*, That: 1. 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 Delta's certificates for Route 8, 24, 27 and 54 in the manner set forth in the accompanying proposed certificate (Appendix B);

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix K, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[36]

---

[29] San Francisco-Oakland-San Jose, Los Angeles-Ontario-Long Beach, and Miami-Ft. Lauderdale (which is currently listed as a hyphenated point on Delta's Routes 8 and 24, but as separate points on Routes 27 and 54.)

[30] See the *Pacific Northwest-California Investigation*, Order 70-5-52, May 12, 1970, for a discussion of the cross-elasticity of demand between principal and satellite airports.

[31] On the interrelationship of the Washington, D.C. and Baltimore markets, see the *Baltimore-Detroit Nonstop Proceeding*, Order 77-7-151, July 29, 1977; and the *Washington-Baltimore Adequacy-of-Service Investigation*, 30 CAB 1215 (1960). Baltimore-Washington, D.C. is currently listed as a hyphenated point on segment 8 of Route 24, but as separate points on segment 1 of Route 24 and on Route 27.

[32] Order 77-11-74, at 17.

[33] Order 77-11-74, at 27; Order 76-5-101, at 13.

[34] This traffic restriction would preclude the carriage of local as well as connecting traffic on flights operated between the two restricted points.

[35] We further find and conclude that Delta Air Lines is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[36] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. The motion of Allegheny Airlines for consolidation, filed in Dockets 30390, 28755, 28874, 29774, and 29983, be denied; and

6. A copy of this order shall be served upon all persons listed in Apendix K.[37]

This order shall be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,[38]
Secretary.

[FR Doc. 78-11612 Filed 4-27-78; 8:45 am]

[6320-01]

[Docket No. 32484; Order 78-4-126]

INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE; CLASS RATE IX

Order Instituting Investigation and Requiring Information

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April, 1978.

By this order, the Board is instituting an investigation directed to the establishment of a revised class subsidy rate for the seven local service carriers (Locals) currently operating under Class Rate VIII.[1]

The Locals are invited to file comments on the proposed concept for a new class rate (Class Rate IX) outlined below. Comments on the Board's proposal should be received within 30 days from the date of service of this order. In addition, to assist the Board in this investigation, the Locals are directed to supply the information specified in Attachment A to this order on or before May 31, 1978. Unless otherwise noted the data supplied should be for the year ended March 31, 1978.

The major objectives of this investigation are: (1) Update the base period in order to reflect changes in individual carrier subsidy requirements; (2) correct an inconsistency among the carriers in their reporting of passenger revenue allocations; (3) introduce a modified rate pro-rate methodology in the allocation of passenger revenues among individual city-pairs; (4) introduce an improved costing methodology based on a new Subpart K method described in PR-172; (5) investigate whether the procedure currently used to establish recognized system investment should be changed to reflect more closely used and useful air transport assets; (6) determine whether "large aircraft" operations are affecting the subsidy rate and what steps can be taken to insure that losses related to large aircraft operations are not underwritten with subsidy; and (7) continue the process, begun when Class Rate VIII was adopted, of refining the class rate system to reflect the subsidization of small community service.

A new rate is the only way to correct a recently discovered inconsistency relating to the definition of local and beyond passengers, which is used to allocate passenger revenues. It appears that some carriers have defined local passengers as nonstop passengers who originate within the system while others have defined them as nonstop passengers who enplane within the system.[2] At the present time three carriers are basing revenue allocations on on-line origination data, while four carriers are using enplanement data. In the case of the three, only passengers who first board the carrier (on-line originations) and fly only one segment are credited with a full local fare. All other passengers are considered beyond passengers and are credited with a lower yield. The four carriers using enplanement data credit a full local fare to each enplaning passenger who gets off at the next point, with all other passengers being credited with the lower, beyond yield. According to information solicited from the individual carriers, these four carriers do not collect origination data; their data systems are designed to match the Board's ER-586 service segment data requirements, which do not call for on-line connection information. In order to obtain comparability among the carriers, we are faced with two choices: either instruct all carriers to base revenue allocations on enplanement information or adjust the revenues as allocated by the four carriers using enplanement data to reflect the difference in results obtained by substituting a different definition of local passengers.

For several reasons, we believe that requiring all carriers to use enplanement data represents the best approach. First, we know all carriers can define local passengers on the basis of enplanements, thus insuring consistency in reporting. Second, enplanement data are verifiable through a cross check with the service segment data. The Board's regulations do not require the reporting of origination data, thus carrier reports could not be verified without an on-site audit. There also may be differences in the way the three carriers which have origination data compile them. For example, we do not know if origination data used by the three carriers are based on a 100-percent sample as are enplanement data. Third, in order to adjust the four carriers who use enplanement data to an origination basis, the results of the other three carriers would have to be used since only for these three could revenue allocations be made on both bases. We would have no way of knowing, of course, that the experience of the three would approximate the experience of the other four. In fact, it appears that, in the case of two of these carriers on which an analysis has been made, revenue shifts would be in opposite directions. Thus, adjustments to the results of the four carriers could never assure comparability.

It may be argued that defining local passengers on an origination basis is theoretically the best approach and that carriers who are capable of using such an approach should not be required to "revert" to a less sophisticated method. Standing alone, this argument would be compelling. We believe, however, that our reasons for requiring the use of enplanement data outweigh this argument because it is not at all clear that accounting only for on-line connections, as the three carriers are currently doing, and ignoring interline connections will, on balance, produce better overall results. The basic purpose for allocating revenues to individual segments is to build up total amounts of revenue for classes of service, viz. eligible non-hub service versus certificate ineligible and hub-to-hub ineligible service. If interline connections occur disproportionately in one class of service, while on-line connections occur disproportionately in another class of service, then accounting simply for on-line connections could produce a distribution of revenue among the classes of service inferior to (i.e., further from the "true" distribution) results produced by using enplanements, which ignores all connections. In short, we have no way of knowing that the use of on-line originations by the three carriers produces a better distribution of revenues than the use of enplanements. Thus, the need for comparability is overriding and dictates that enplanement data be used.

The most significant methodological revision in this investigation involves the use of a modified rate pro-rate to allocate passenger revenues among the individual city-pairs. This revision will deal only with revenues generated by beyond passengers, since the methodology for allocating local passenger revenue will remain the same as in Class Rate VIII. In past class rates, beyond passenger revenue was allocated to individual city-pairs on the basis of what is essentially a mileage pro-

---

[37] Appendices filed with original at the Office of the Federal Register.

[38] All Members concurred.

Class Rate VIII was established by Orders 76-4-101, April 20, 1976, 76-11-12, November 4, 1976, and 76-12-159, December 30, 1976.

[2] System originations are a subset of system enplanements since an originating passenger may enplane more than once during his trip within the carrier's system.

rate. This tended to understate beyond passenger revenue allocable to the shorter segments and overstate the revenue allocable to the longer segments. This is because the mileage pro-rate allocates revenue to each segment of the passenger's trip according to the average yield for the entire trip. This methodology does not reflect the fact that the average yields on each particular segment of the trip, as derived from the individual local fares, vary according to distance. Thus, the shortest segment of the passenger's trip, which has the highest average local yield, is allocated the same amount of passenger revenue per mile as is allocated to the longest segment of the trip, which has the lowest average local yield. This type of allocation does not reflect either the rate taper or the cost taper evident in airline operations. The use of a modified rate pro-rate will allocate passenger revenues according to the relative fare over each segment of the passenger's trip. Such a procedure will recognize the taper inherent in the present fare levels, a fact that management must face when making decisions, and will also eliminate a large portion of the apparent cross-subsidization produced by the mileage pro-rate.

A full description of the method we intend to employ to achieve a modified rate pro-rate allocation of beyond passenger revenue is in Attachment A. Based on information submitted to the Board's staff by the carriers regarding their technical capabilities, we are, unfortunately, unable to propose a methodology as sophisticated as we had hoped. We will, therefore, rely on some components used in past class rates to effect the new methodology.

We also propose the adoption of an improved costing methodology based on subpart K amendments adopted by PR-172. Although these amendments have not yet been adopted, we feel that their inclusion will produce a beneficial refinement in the costing techniques used to compute subsidy rates, especially in the areas of passenger service expense and expenses related to ground property and equipment.[3] An explanation of the proposed changes can be found in Attachment A.

Although the attached information instructions require that investment be computed on the same basis used in Class Rate VIII, we plan to investigate whether recognized system investment should be computed on an asset basis as opposed to the present method, which is based on the liability side of the balance sheet. We are concerned that the present method places undue emphasis on a carrier's past earnings when computing a reasonable return allowance.

[3]PR-172 was adopted April 14, 1978.

Within the past two years, some of the Locals have embarked on programs involving the purchase of "large aircraft" (DC 9-50's and B-727's) which appear totally unsuited to the provision of small community service. Although we quite correctly have no power to interfere with a management decision involving the purchase of this equipment, we do have a duty under the standards of the Act to prevent the taxpayers from subsidizing losing operations involving these aircraft. We will, therefore, carefully analyze the subsidy needs generated by this equipment to determine whether or not it is burdening the subsidy rate and, if so, what method of adjustment should be used to prevent this from occurring.

The proposed changes mentioned above are by no means the only aspects of the class rate we intend to investigate. All aspects of the class rate will be subject to scrutiny and such changes as deemed necessary will be discussed in detail in the Provisional Statement to be issued upon completion of this investigation. Other aspects of the class rate we intend to analyze include the economic savings adjustment arising from suspensions and deletions during the base period, the allowable levels of executive salaries and legal fees,[4] and all aspects of the formula derivation. Carrier comments on the proposal need not be limited to the areas previously mentioned. By this order of investigation, we would like to solicit constructive comments on all areas of the class rate system in need of change, since our ultimate goal is to produce a class rate which provides an equitable rate of subsidization for service to small communities.

It should be noted that the attached information request specifies that certificate-ineligible operations be split into two categories and that what was previously termed "certificate-eligible hub-to-hub" operations be labeled certificate-ineligible Category I. These changes are necessary to implement Order 78-1-116 wherein the Board decided that new subsidy-ineligible awards to local service carriers be grouped together in a new certificate-ineligible category—Category II. The Board determined that within this new category segmental losses will be offset against segmental profits but any net losses for the entire category considered as a unit would not be applied against profits on other routes. The Board also tentatively decided that any net profit in Category II be shared 50-50 with the Federal treasury without offsetting segmental losses on the existing subsidy-ineligible system.

[4]Table VI reflects an increased level of allowable legal fees and salary expense. These levels are, however, not necessarily those which will ultimately be adopted.

Inasmuch as we are conviced that a new class rate must be established, even if the result is only to correct for the imbalance among subsidy needs and subsidy rates and for the inconsistency related to the definition of local passengers, we are also reopening the class rate effective July 1, 1978. If necessary, a temporary rate will be set at the rate in effect on June 30, 1978, and will be effective until such time as Class Rate IX is finally adopted.

This Board action is necessary in order to carry out the provisions of, and to exercise and perform its powers and duties under, the Federal Aviation Act of 1958, as amended, particularly sections 204(a), 406, 407(a), and 1002(b).

Accordingly, *It is ordered*, That: 1. An investigation is instituted to consider whether the Board should adopt a new class rate incorporating such changes in the elements entering into the determination of need and in the structure of the class rate formula as the Board may deem appropriate to make the rate more representative of the present operating characteristics of the local service carriers currently under Class Rate VIII;

2. All local service carriers currently under Class Rate VIII are directed to submit to the Board, on or before May 31, 1978, the information specified in Attachment A to this order for the year ended March 31, 1978, and a pro forma or actual federal tax return for calendar year 1977;

3. All local service carriers currently under Class Rate VIII, and all other interested persons, are invited to file comments on the proposal for changes in the class rate within 30 days from the date of service of this order;

4. The current final local service class subsidy rate is reopened as of July 1, 1978, for the purpose of determining a new final rate or taking such other action as the facts may warrant; and,

5. This order shall be served upon all local service carriers currently under Class Rate VIII.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[FR Doc. 11611 Filed 4-27-78; 8:45 am]

[5]All Members concurred. Attachments filed as part of the original decument.

[6320-01]

[Docket No. 31571]

NORTHWEST ALASKA SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation

Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held commencing on June 6, 1978, at 9:30 a.m. (local time) in Courtroom H (second floor, new court building). Third Judicial District Court Building, 303 K Street, Anchorage, Alaska, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on February 13, 1978, transcript of said prehearing conference and other documents which are in the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 20, 1978.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc. 78-11614 Filed 4-27-78; 8:45 am]

[6320-01]

[Docket No. 31570]

SOUTHEAST ALASKA SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held commencing on June 13, 1978, at 9:30 a.m. (local time) in Supreme Court Room A, Juneau Court and Office Building, Fourth and Main Streets, Juneau, Alaska, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on February 13, 1978, transcript of said prehearing conference and other documents which are in the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 24, 1978.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc. 78-11612 Filed 4-27-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[Dockets 28251, 32381; Order 78-4-35]

HUGHES AIR CORP. ET AL.

Order Instituting Investigation

Correction

In FR Doc. 78-9891 appearing at page 15466 in the issue for Thursday, April 13, 1978, the order number was left out of the heading and should read as set forth above.

[1505-01]

[Docket 30226; Order 78-4-23]

KODIAK-WESTERN ALASKA AIRLINES, INC.

Order to Show Cause

Correction

In FR Doc. 78-9747 appearing at page 15464 in the issue for Thursday, April 13, 1978, the order number was left out of the heading and should read as set forth above.

[6335-01]

CIVIL RIGHTS COMMISSION

CONNECTICUT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 2 p.m. on May 6, 1978, Terra Mar Motel/Restaurant, Old Saybrook, Conn.

Persons wishing to attend this open meeting should contact the Cmmittee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

This is to be a retreat meeting.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 25, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-11600 Filed 4-27-78; 8:45 am]

[6335-01]

SOUTH DAKOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Dakota Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and will end at 12 noon on May 12, 1978, Federal Building, 515 9th Street, Room B-16, Rapid City, S. Dak. 57501

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, 1405 Curtis Street, Denver, Colo. 80202.

The purpose of this meeting is to schedule activities for the remainder of the fiscal year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 25, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc 78-11599 Filed 4-27-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

MAYER, ROTHKOPF INDUSTRIES, INC. AND WELLS-GARDNER ELECTRONICS CORP.

Petitions—for Determination of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from two firms: (1) Mayer, Rothkopf Industries, Inc., P.O. Drawer 1466, Orangeburg, S.C. 29115, a producer of knitting machines (accepted April 14, 1978); and (2) Wells-Gardner Electronics Corp., 2701 North Kildare Avenue, Chicago, Ill. 60639, a producer of television receivers and other electronic products (accepted April 20, 1978). The petitions were submitted 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 U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th 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. 78-11541 Filed 4-27-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

The Gulf of Mexico Fishery Management Council, established by sec-

tion 302, of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet Thursday, May 18, 1978, at the Council headquarters office located at the Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla. The meeting will convene at 10 a.m. and adjourn about 2 p.m. and may be extended or shortened depending on progress on the agenda.

Proposed Agenda: (1) Consideration of foreign fishing applications, and (2) Other fishery management business.

Meeting is open to the public. For more information on seating arrangements, changes to the agenda, and/or written comments contact: Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Fla. 33609, telephone 813-228-2815.

Dated: April 24, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-11578 Filed 4-27-78; 8:45 am]

[3510-22]

SOUTH ATLANTIC FISHERY MAMAGEMENT COUNCIL

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee, 5 U.S.C. Appendix I, as amended, notice is hereby given of a joint meeting of Billfish/Swordfish Technical and Steering Subcommittees of the New England, Mid-Atlantic, South Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L 94-265). The meeting is being held to discuss proposals by potential contractors in a negotiated procurement for the preparation of a draft fishery management plan. Discussions will relate to each of the contractor's proposals, which include commercial data submitted to the Government in confidence. The proposed agenda for the May 15-16, 1978, meeting is as follows:

May 15: Technical discussion concerning billfish/swordfish will be held from 1 p.m., to 5 p.m., at the Admiral Benbow Inn, 1419 Virginia Avenue, Atlanta, Ga. 30337.

May 16: Discussions regarding billfish/swordfish policy matters will be held from 9 a.m., to 5 p.m., in the Eastern Conference Room, Atlanta, Ga., airport.

Questions may be directed to Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407, telephone 803-571-4366.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on April 25, 1978, pursuant to section 10(d) of Federal Advisory Committee Act, that the agenda item covered in this closed meeting may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c) (4), (6), (9)(B). The discussions are likely to disclose: Commercial and financial information obtained from a person and privilege or confidential; information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to frustrate implementation of a proposed agency action. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: April 25, 1978.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 78-11686 Filed 4-27-78; 8:45 am]

[3510-17]

Office of the Secretary

TASK FORCE ON WOMEN BUSINESS OWNERS MEETING

The location of the public meeting to be held by the Task Force on Women Business Owners on April 29, announced in the April 20, FEDERAL REGISTER (43 FR 16797) has been changed.

The April 29 meeting, to review and discuss the Task Force's report prior to its final deliberations and submission to the President, will now be held at the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C., from 9 a.m. to 5 p.m.

For further information, interested members of the public may contact: Jane Wallace, Task Force on Women Business Owners, U.S. Department of Commerce, Room 5019, Washington, D.C. 20230, 202-377-5770.

Dated: April 25, 1978.

ANNE WEXLER,
Deputy Under Secretary, Department of Commerce, Chairperson, Task Force on Women Business Owners.

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 25, 1978.

The USAF Scientific Advisory Board Electronic Warfare Subgroup of the Joint Scientific Advisory Board/Army Ad Hoc Committee on Battlefield Systems Integration will hold meetings on May 17-18, 1978 at R. & D. Associates, Arlington, Va., from 8:30 a.m. to 5 p.m. each day.

The Subgroup will receive classified briefings on various foreign systems as well as projected U.S. command and control systems.

The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

EDWARD K. BUCKNELL,
Major, United States Air Force, Executive Officer, Directorate of Adminstration.

[FR Doc. 78-11542 Filed 4-27-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 25, 1978.

The USAF Scientific Advisory Board Air Defense Subgroup of the Joint SAB/ASB Summer Study on Battlefield Systems Integration will hold meetings at Fort Bliss, Tex. on May 18 and 19, 1978 from 8:30 a.m. to 5 p.m. each day.

The Subgroup will receive classified briefings on various foreign systems as well as projected U.S. command and control systems. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4811.

EDWARD K. BUCKNELL,
Major, United States Air Force, Executive Officer, Directorate of Adminstration.

[FR Doc. 78-11543 Filed 4-27-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

A COMPREHENSIVE PLAN FOR CARBON DIOXIDE EFFECTS RESEARCH AND ASSESSMENT: PART I, THE GLOBAL CARBON CYCLE AND CLIMATE CHANGE

Availability of Plan

The Office of the Assistant Secretary for Environment, Department of Energy, announces the availability of the document, "A Comprehensive Plan for Carbon Dioxide Effects Research and Assessment: Part I, The Global Carbon Cycle and Climatic Effects of Increased Carbon Dioxide." This document outlines the first part of a plan for a research program to address the questions of the environmental impacts and societal costs of increasing levels of atmospheric carbon dioxide. The Department of Energy will be guided in developing its research program by this Plan. It is also expected that the Plan will have a significant role in the development of the national and international approach to this issue. Additional parts of the Plan will be issued as they are prepared.

A limited number of copies of the Plan will be available in early May, 1978, and it is expected that a fuller distribution will be possible by late June.

Requests for the Plan should be made to:

Mr. David H. Slade, Acting Director, Office of Carbon Dioxide Effects Research and Assessment, Office of the Assistant Secretary for Environment, Department of Energy, Washington, D.C. 20545.

This Plan will be automatically distributed to those who have requested earlier documents prepared by the Office, so that a separate request for the Plan by those institutions and individuals will not be necessary.

Issued in Washington, D.C., April 25, 1978.

For the United States Department of Energy.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-11548 Filed 4-27-78; 8:45 am]

[3128-01]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue Prohibition Orders to Certain Major Fuel-Burning Installations

The Department of Energy (DOE) hereby gives notice of its intention to issue prohibition orders, pursuant to the authorities granted it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, and Title 10, Code of Federal Regulations (10 CFR), Parts 303 and 305, to the following installations:

Docket No.	Owner	Installation	Unit No.	Location
OCU-2840-4	Avtex Fibers, Inc	Front Royal plant	4	Front Royal, Va.
OCU-2840-54	do	do	5	Do.

This notice of intention to issue prohibition orders is issued in response to an application for prohibition order submitted to DOE on October 13, 1977, by Avtex Fibers, Inc.

DOE hereby also gives notice of the opportunity for oral and written presentation of data, views, and arguments by interested persons regarding the proposed prohibition orders.

The proposed orders would prohibit the above-named installations from burning natural gas or petroleum products as their primary energy source.

Prior to issuance of a Prohibition Order to an installation, section 2(a) of ESECA and 10 CFR 303.36(b) and 305.4(b) require that DOE find that the installation had the capability and necessary plant equipment to burn coal as of June 22, 1974, or thereafter acquired or was designed with the capability and necessary plant equipment to burn coal. A Prohibition Order may not be issued unless DOE can find that the prohibition of the utilization of natural gas or petroleum products as a primary energy source is practicable and consistent with the purposes of ESECA and that coal and coal transportation facilities will be available during the period the Prohibition Order will be in effect. DOE's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for the above-named installations are set out in the Appendix to this notice. The findings, conclusions and rationale may be amended as a result of comments received by DOE pursuant to this notice and other information available to DOE. The findings, conclusions and rationale will be included, with any amendments, in any Prohibition Order that is issued.

Upon completion of the proceedings described in this notice, DOE may determine to issue Prohibition Orders to both or either one of the above-named installations. The Prohibition Orders will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies DOE, in accordance with section 2 of the Energy Supply and Environmental Coordination Act of 1974 and section 112(b) of the Clean Air Act (CAA) Amendments of 1977, that the installations are able to burn coal and to comply with all applicable air pollution control requirements without a delayed compliance order under section 113(d)(5) of the Clean Air Act, or (b) if such notification is not given by EPA, the date that the Administrator of EPA certifies, pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974 and section 112(b) of the Clean Air Act Amendments of 1977 is the earliest date that the affected installations will be able to comply with all applicable requirements of the Clean Air Act, and (2) DOE has considered the environmental impact of making the orders effective, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected installations with Notices of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

10 CFR 305.9 requires that, prior to issuance of a Notice of Effectiveness to an installation, DOE shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either (1) issuance of a declaration that the Prohibition Order will not, if made effective by issuance of a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment, or (2) the preparation by DOE of an environmental impact statement covering significant site-specific impacts that are likely to result from the Prohibition Order and that have not been adequately addressed in the Final Programmatic Environmental Impact Statement or in other official documents made publicly available. If DOE prepares an environmental impact statement covering significant site-specific impacts resulting from making a Prohibition Order effective, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement. With respect to comments regarding any

impact on air quality that might result from a proposed Prohibition Order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality and for determining the applicable air pollution control requirements that apply to the installation that has been issued an order. It is expected that an installation to which a Prohibition Order is issued may be eligible for a delayed compliance order pursuant to section 113(d) of the CAA, 42 U.S.C. 7413(d). If EPA decides to issue a delayed compliance order, it must also provide an opportunity for a public hearing. Enclosed with the Notice of effectiveness may be a compliance reporting schedule to insure that the installation will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source on the effective date specified in the Notice of Effectiveness.

Public comment on the proposal to issue Prohibition Orders to the installations listed above is invited in the form of written and oral presentation of data, views, and arguments. Comments should relate to individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments should address: (1) The adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings, (2) the environmental impact of making effective a Prohibition Order, including any site-specific environmental impacts, and (3) any other aspects or impacts of the proposed Prohibition Order believed to be relevant.

Pursuant to 10 CFR 303.173 (a) and (d) and 305.5, DOE hereby announces that a public hearing to receive oral presentation of data, views, and arguments of interested persons will be held beginning at 9:30 a.m., on May 12, 1978, at the John Marshall Hotel, The Jackson Room, 5th and Franklin Streets, Richmond, Va. 23219. Any person who has an interest in the subject of the hearing or who is a representative of a group or class of persons which has an interest in the subject of the hearing may make a written request, or a verbal request if confirmed in writing, for an Opportunity to make an oral presentation. That request should be directed to Ozzie Davis, Department of Energy, Room 7219, 2000 M Street NW., Washington, D.C. 20461, 202-254-3382. The request should be received before 4:30 p.m., May 5, 1978. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 11, 1978. Speakers should submit ten (10) copies of their oral presentation if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Ozzie Davis, Department of Energy, Room 7219, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., May 10, 1978. Speakers will be contacted by a DOE representative before 4:30 p.m., May 8, 1978, to confirm receipt of the written request.

Detailed technical data, views, and arguments should be contained in a written submission in support of the oral presentation. The oral presentation itself should be a summary of those written comments.

While DOE will endeavor to provide adequate opportunity to all who desire to speak, DOE reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. DOE will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views, and arguments.

A DOE official will be designated to preside at the hearing which will not be a judicial or evidentiary hearing. During oral presentations only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask the question, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by DOE and made available for inspection and copying at the Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and the DOE Regional Office, Room 1001, 1421 Cherry Street, Philadelphia, Pa. 19102, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, and arguments with respect to these proposed Prohibition Orders to Public Hearing Management, Box QZ, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Orders for the Avtex Installations." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., May 29, 1978, all oral presentations, and all other relevant information submitted to or available to DOE will be considered by DOE prior to issuance of a Prohibition Order.

Any information or data considered to be confidential by the person furnishing it must be so identified and submitted in writing in accordance with 10 CFR 303.9(f). DOE reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing section 2(a) and (b) of ESECA (10 CFR parts 303 and 305) are available from the following DOE Regional Offices:

Region	Address of acting regional representative	Phone
I	Robert W. Mitchell, 150 Causeway St., Room 700, Boston, Mass. 02114.	617-223-3701
II	William W. Wood, 26 Federal Plaza, Room 3206, New York, N.Y. 10007.	212-264-1021
III	Bernard Snyder, 1421 Cherry St., Room 1001, Philadelphia, Pa. 19102.	215-597-3390
IV	Donald Allen, 1655 Peachtree St. NE.—8th floor, Atlanta, Ga. 30309.	404-526-2837
V	William Peterson, Federal Office Bldg., 175 West Jackson Blvd., Room A-333, Chicago, Ill. 60604.	312-353-0540
VI	Curtis E. Carlson, P.O. Box 35228, 2626 West Mockingbird La., Dallas, Tex. 75235.	214-749-7345
VII	James R. Newman, Kansas City, Mo. 64106.	816-374-2061
VIII	C. Dale Eriksen, P.O. Box 26247, Belmar branch, 1075 S. Yukon St., Lakewood, Colo. 80226.	303-234-2420
IX	William C. Arntz, 111 Pine St., San Francisco, Calif. 94111.	415-556-7216
X	Jack B. Robertson, 1992 Federal Bldg., 915 2d Ave., Seattle, Wash. 98174.	206-442-7280

Any questions regarding this notice should be directed to DOE National Headquarters as follows: Mr. Walter

Romanek, Director, Division of Coal Utilization, Department of Energy, Code OCU (Prohibition Orders: Avtex Fibers, Inc., Front Royal Plant, Front Royal, Va. Installations, Docket Nos. OCU-2840-4 and 2840-5), Washington, D.C. 20461, telephone 202-254-3910.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 95-70; Department of Energy Organization Act (Pub. L. 95-91); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., April 25, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

APPENDIX.—PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE PROHIBITION ORDERS

ESECA and the regulations implementing the statute (10 CFR 303 and 305) require DOE to make certain findings before issuing a prohibition order to a major fuel-burning installation (MFBI).[1] DOE's proposed findings are set out below with respect to the MFBI's named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Installation	Unit No.	Location
OCU-2840-4	Avtex Fibers, Inc	Front Royal plant	4	Front Royal, Va.
OCU-2840-5	do	do	5	Do.

These findings, which are now proposed by DOE, are based on the information that has been provided to and developed by DOE prior to the issuance of this notice of intention (NOI) to issue prohibition orders.

Avtex Fibers, Inc., shall be referred to as the "owner" and as "Avtex." Front Royal plant units 4 and 5 shall be referred to as the "MFBI's" and as "Front Royal 4 and 5."

I. *Capability and necessary plant equipment to burn coal.*

DOE proposes to find that on June 22, 1974, Front Royal 4 and 5 had, or thereafter acquired or was designed with the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Avtex, in a Major Fuel Burning Installation Coal Conversion Report, section II, Questions 6, and 12-14 (Form FEA C-602-S-0) dated May 30, 1975, indicated that on June 22, 1974, each MFBI had the capability and necessary plant equipment to burn coal. The boilers had been designed and constructed or modified to burn coal as their primary energy source, notwithstanding the fact that on June 22, 1974, the MFBI's may not have been burning coal as their primary energy source.

B. Front Royal 4 and 5 are presently burning coal as their primary energy source. Therefore, DOE proposes to find that Front Royal 4 and 5 have the necessary plant equipment and facilities associated with the burning of coal.

C. Within the meaning of ESECA and the regulations promulgated pursuant thereto, these MFBI's had, as of June 22, 1974, or there after acquired or were designed with, the capability and necessary plant equipment to burn coal.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.*

DOE proposes to find that the burning of coal in lieu of petroleum products or natural gas at Front Royal 4 and 5, is practicable and consistent with the purposes of ESECA. This proposed finding is based on the facts and interpretations stated below:

A. *The burning of coal is practicable.*

1. *Costs associated with burning coal.*

(a) *Capital investment costs.* Since Front Royal 4 and 5 are currently burning coal as their primary energy source, and an electrostatic precipitator system is being installed for the entire Front Royal Plant, DOE proposes to find that Front Royal 4 and 5 have acquired or modified the equipment and facilities necessary for the burning of coal as their primary energy source, and such actions were not undertaken as a result of (or in contemplation of) the issuance of these Prohibition Orders. These acquisitions or modifications either include or should include those necessary for compliance with the requirements of the Clean Air Act.

(b) *Annual operating and maintenance costs.* DOE proposes to find that there are no apparent significant increases in operating and maintenance costs that would result from the continued burning of coal by Front Royal 4 and 5.

(c) *Fuel costs.* DOE proposes to find that Front Royal 4 and 5 will continue to burn coal with the same characteristics as that which is presently being burned as their primary energy source with no increase in fuel costs as a result of Prohibition Orders.

(d) *Net operating cost differential.* Based on the factors stated in paragraphs A.1.a.-c., above, DOE has determined that the net operating cost differential (which represents the difference between operating the boilers before and after Prohibition Orders) resulting from compliance with a Prohibition Order will be zero.

2. *Reasonableness of costs of conversion.* Since Front Royal 4 and 5 are currently burning coal as their primary energy source, and since Avtex will not incur additional capital investment costs as a result of compliance with Prohibition Orders, DOE proposes to find that the cost of burning coal in lieu of natural gas or petroleum products is reasonable.

3. *Financial capability of the owner.*

(a) *Recovery of capital investment.* DOE proposes to find that compliance with Prohibition Orders by Front Royal 4 and 5 would be economically feasible since compliance with Prohibition Orders would not require additional capital investment costs. Therefore, Avtex' financial capability to comply with this NOI and all other outstanding NOI's which have been issued to Avtex or are currently under consideration, as well as any Prohibition or Construction Orders issued to date under authority of section 2 (a) and (c) of ESECA to MFBI's owned by Avtex, will not be affected by the issuance of Prohibition Orders to Front Royal 4 and 5.

B. *Consistency with the purposes of ESECA.*

Because the issuance of Prohibition Orders to Front Royal 4 and 5 will discourage the use of natural gas or petroleum products and encourage the use of coal, DOE proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which DOE is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for these MFBI's to comply with the Clean Air Act and other applicable environmental protection requirements, DOE proposes to conclude that Prohibition Orders to Front Royal 4 and 5 would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to these MFBI's during the period until December 31, 1984.*

A. *Coal availability.*

1. *National coal reserves.*

United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States, By Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 100 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these reserves are expected to be available, DOE has examined several studies referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

[1] Effective October 1, 1977, the responsibility of implementing ESECA was transferred by Executive Order No. 12009 pursuant to the Department of Energy Organization Act, from the Federal Energy Administration to the Department of Energy.

2. *National coal production and demand.* The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnage of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980 DOE does not have data fully developed for new production plans because few coal producers have firm expansion plans that extend that far into the future. The statistics supporting more recent mine developments and enumerating updated data are currently in the process of revision.

(a) *National coal production.* It is conservatively estimated that it will be possible to produce coal nationally in at least the following quantities:

[Production potential]

Year:	*Million tons*
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's *Coal Mine Expansion Study* (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential. Another FEA study, "Availability of Potential Coal Supply Through 1985 by Quality Characteristics," August 1976 (hereafter "Coal Market Survey") and a DOE study, "Coal Availability by Characteristics for Fuel Conversion Orders," April 17, 1978, indicate current plans for nationwide production of uncommitted coal as follows:

[Production]

Year:	*Million tons*
1978	124.3
1979	243.1
1980	293.3
1981	350.0
1982	369.9
1983	396.2
1984	475.5
1985	544.9

(b) *National coal demand exclusive of ESECA prohibition order demand.* The estimated national coal demand, excluding any increased demand resulting from DOE action under the authority of section 2(a) of ESECA, is as follows (*FEA 1976 National Energy Outlook*):

[Demand]

Year:	*Million tons*
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

(c) *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA is approximately the following (*Coal and Transportation Availability for Major Fuel Burning Installations Coal Conversion Orders: Methods and Approach*, May 20, 1977, as amended April 10, 1978) (hereafter "Methods Report"):

[Demand]

Year:	*Million tons*
1978	10.050
1979	14.492
1980	21.064
1981	23.607
1982	30.043
1983	30.043
1984	30.043

3. *Characteristic coal production and demand.*

FEA's "Coal Market Survey" identifies coal of specific quality characteristics available for use at these MFBI's. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which was not committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

(a) *Characteristic coal requirements for these MFBI's.* DOE has determined that boilers of the type used at Front Royal 4 and 5 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements:

Btu's/lb. (minimum)	12,500
Ash (maximum, percent)	12
Volatile (minimum, percent)	25
Ash softening temp. (°F., minimum)	2,500
Sulfur (maximum, percent) (approximate)	1.6

(b) *Characteristic coal demand from these MFBI's.* The potential demand for coal, of the type described above, which would be used by these MFBI's is estimated to be as follows:

[Demand (thousand tons/yr)]*

Year:	
1978 (and after)	165

*These boilers currently burn coal.

(c) *National planned production, characteristic coal.* DOE's "Methods Report" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to these MFBI's in a nationwide market as follows:

[Production]

Year:	*Thousand tons*
1978	67,937
1979	127,138
1980	158,932
1981	189,318
1982	200,259
1983	214,838
1984	253,700

(d) *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is no more than the following ("Methods Report"):

[Demand]

Year:	*Thousand tons*
1978	10,050
1979	14,492
1980	21,064
1981	23,607
1982	30,043
1983	30,043
1984	30,043

(e) *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to these MFBI's (in a probable regional supply/demand relationship related to the location of these MFBI's) from BOM Districts 7, 8, and 13, as follows ("Methods Report"):

[Production]

Year:	*Thousand tons*
1978	26,032
1979	47,383
1980	53,082
1981	61,661
1982	65,354
1983	70,552
1984	80,964

(f) *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7, 8, and 13 expected to result from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA. This potential regional demand is estimated in DOE's "Methods Report" to be no more than the following:

[Demand]

Year:	*Thousand tons*
1978	2,767
1979	5,175
1980	9,388
1981	10,573
1982	14,558
1983	14,558
1984	14,558

(g) *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand for coal from BOM Districts 7, 8, and 13, with 1.8 percent or less sulfur content (which includes the 1.6 percent maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA is estimated in DOE's "Methods Report" to be no more than the following:

[Demand (percent sulfur, 1.41–1.8)]

Year:	*Thousand tons*
1978	0
1979	469
1980	1,172
1981	1,172
1982	1,172
1983	1,172
1984	1,172

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds this potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.* DOE has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to DOE's attention.

5. *Conclusion.* On the basis of Avtex's contractual commitment with Virginia Iron, Coal, and Coke Co., Adanac Coal Co. and Paramount Coal Co., DOE proposes to find that coal of the characteristics required will be available to Front Royal 4 and 5. Furthermore, on the basis of the BOM Survey, the Coal Mine Expansion Study, the Methods Report and the FEA 1976 National Energy Outlook, DOE expects that national production potential will substantially exceed the total national demand for coal in amounts sufficient in any year to meet the estimated potential additional demand resulting from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA.

DOE therefore observes that although Avtex has commitments from three coal companies to supply coal, Avtex could also purchase coal for Front Royal 4 and 5 in other markets.

B. *Coal transportation.*

1. *Location of MFBI's and coal supply.*

Based on an FEA study, *Coal Transportation Availability Report*, April 1977, (hereafter "Transportation Availability Report"), coal for Front Royal 4 and 5 would probably come from BOM District 8 as both the primary and alternate source of supply. While this supply region is the nearest available source able to supply complying coal to the plant, complying coal could be transferred by rail from other identified sources within the United States as well. The analysis of transportation availability is based on the most likely route as well as two alternate routes. These routes were chosen to demonstrate transportation availability.

2. *Route of coal shipment.*

The primary route for coal delivery for Front Royal 4 and 5 is to originate coal near Williamson, West Virginia in BOM District 8 on the Norfolk and Western Railroad Co. (N&W) which would deliver it via Bluefield, W. Va. to Front Royal 4 and 5. The total rail distance is about 390 miles.

The alternate route from the primary supply source would originate coal near Williamson, W. Va. on the N&W which would move it to Beckley, W. Va. The Chesapeake & Ohio would move the coal via Covington, Va. to Strasburg, Va. where the Southern Railway would pick it up for delivery to Front Royal 4 and 5. The total rail distance is about 365 miles.

The alternate route from the alternate supply area would originate coal on the Chesapeake & Ohio (Chessie System) in BOM District 8 near Charleston, W. Va. The Chessie System would move it to Waynesboro, Va. where the N&W would pick it up and deliver it to Front Royal 4 and 5. The total rail distance is about 325 miles.

3. *Originating trunk carrier.*

The N&W, the originating carrier of coal for Front Royal 4 and 5 has approximately 54,000 hopper cars with an estimated average capacity of 83 tons. Assuming each car will average 20 trips per year, the N&W may need as many as 99 cars to handle the demand from Front Royal 4 and 5. N&W reports that their own car shop which repairs and builds cars has a capacity of 1,500 new cars per year depending on market demand. They do not anticipate any difficulty in meeting the requirements of Front Royal 4 and 5.

The N&W indicates that transportation facilities at mine sites within BOM District 8 served by the N&W are operating satisfactorily and that loading facilities can handle the required coal volumes.

DOE has not found nor has it been informed of any apparent constraints to carrying coal for any origiating alternate or intermediate carriers should they be used.

4. *Destination carrier and plant facilities.*

Front Royal, Va. is served by a short branch line from tracks of both the Norfolk & Western and Southern Railway. Front Royal presently has coal unloading facilities which Avtex has advised DOE are adequate to handle the projected coal demand. There are no obstacles to the delivery of coal to Front Royal 4 and 5.

5. *Conclusion.*

DOE proposes to find that coal transportation facilities will be available for the period these Prohibition Orders are expected to be in effect since no major constraints to coal delivery over the primary route to Front Royal 4 and 5 presently exist, and alternate routes are available.

[FR Doc. 78-11724 Filed 4-27-78; 8:45 am]

[3128-01]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Intention To Issue a Prohibition Order to a Certain Major Fuel-Burning Installation

The Department of Energy (DOE) hereby gives notice of its intention to issue a prohibition order, pursuant to the authorities granted it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, and Title 10, Code of Federal Regulations (10 CFR), Parts 303 and 305, to the following installation:

Docket No.	Owner	Installation	Unit No.	Location
OCU-0647	Scott Paper Co	Winslow	3	Winslow, Maine.

DOE herey also gives notice of the opportunity for oral and written presentation of data, views, and arguments by interested persons regarding the proposed prohibition order.

The proposed order would prohibit the above-named installation from burning natural gas or petroleum products as its primary energy source.

Prior to issuance of a prohibition order to an installation, section 2(a) of ESECA and 10 CFR 303.36(b) and 305.4(b) require that DOE find that the installation had the capability and necessary plant equipment to burn coal as of June 22, 1974, or thereafter acquired or was designed with the capability and necessary plant equipment to burn coal. A prohibition order may not be issued unless DOE can find that the prohibition of the utilization of natural gas or petroleum products as a primary energy source is practicable and consistent with the purposes of ESECA and that coal and coal transportation facilities will be available during the period the prohibition order will be in effect. DOE's proposed findings, as well as its proposed conclusions and rationale with respect to these findings, for the above-named installation, are set out in the appendix to this notice. These findings, conclusions and rationale may be amended as a result of comments received by DOE pursuant to this notice and other information available to DOE. The findings, conclusions, and rationale will be included, with any amendments, in any prohibition order that is issued.

Upon completion of the proceedings described in this notice, DOE may determine to issue a Prohibition Order to the above-named installation. The Prohibition Order will not become effective, however, until (1) either (a) the Administrator of the Environmental Protection Agency (EPA) notifies DOE, in accordance with section 2 of the Energy Supply and Environmental Coordination Act of 1974 and section 112(b) of the Clean Air Act (CAA) Amendments of 1977, that the installation is able to burn coal and to comply with all applicable air pollution control requirements without a delayed compliance order under Section 113(d)(5) of the Clean Air Act, as amended, or (b) if such notification is

not given by EPA, the date that the Administrator of EPA certifies, pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974 and section 112(b) of the Clean Air Act Amendments of 1977, is the earliest date that the installation will be able to comply with all applicable requirements of the Clean Air Act, as amended, and (2) DOE has considered the environmental impact of making the order effective, pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected installation with a Notice of Effectiveness, as provided in 10 CFR 303.10(b), 303.37(b) and 305.7. The date the Prohibition Order will be effective will be stated in the Notice of Effectiveness.

10 CFR 305.9 requires that, prior to issuance of a Notice of Effectiveness to an installation, DOE shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness. That analysis shall result in either (1) issuance of a declaration that the Prohibition Order will not, if made effective by issuance of a Notice of Effectiveness, be likely to have a significant impact on the quality of the human environment, or (2) the preparation by DOE of an environmental impact statement covering significant site-specific impacts that are likely to result from the Prohibition Order and that have not been adequately addressed in the Final Programmatic Environmental Impact Statement or in other official documents made publicly available. If DOE prepares an environmental impact statement covering significant site-specific impacts resulting from making a Prohibition Order effective, the statement shall be prepared and published for comment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) prior to issuance of a Notice of Effectiveness. Interested persons may request a public hearing pursuant to 10 CFR 303.173 to comment on the contents of a draft environmental impact statement. With respect to comments regarding any impact on air quality that might result from a proposed Prohibition Order, however, it should be recognized that ESECA has assigned to EPA the primary responsibility for analyzing the effect of any such order on the Nation's air quality and for determining the applicable air pollution control requirements that apply to the installation that has been issued an order. It is expected that an installation to which a Prohibition Order is issued may be eligible for a delayed compliance order pursuant to Section 113(d) of the CAA, 42 U.S.C. 7314(d). If EPA decides to issue a delayed compliance order, it must also provide an opportunity for a public hearing. Enclosed with the Notice of Effectiveness may be a compliance reporting schedule to insure that the installation will be able to comply with the prohibition of the burning of natural gas or petroleum products as a primary energy source on the effective date specified in the Notice of Effectiveness.

Public comment on the proposal to issue a Prohibition Order to the installation listed above is invited in the form or written and oral presentation of data, views, and arguments. Comments should relate to individual docket numbers and should make clear to which docket number the individual comment is addressed.

Comments should address (1) the adequacy and validity of each of the proposed findings and the conclusions and rationale in support of these findings, (2) the environmental impact of making effective a Prohibition Order, including any site-specific environmental impacts, and (3) any other aspects or impacts of the proposed Prohibition Order believed to be relevant.

Pursuant to 10 CFR 303.173(a) and (d) and 305.5, DOE hereby announces that a public hearing to receive oral presentation of data, views, and arguments of interested persons will be held beginning at 9:30 a.m., on May 9, 1978, at the Augusta Civic Center, Penoscot Room, Augusta, Maine 04330. Any person who has an interest in the subject of the hearing or who is a representative of a group or class of persons which has an interest in the subject of the hearing may make a written request, or a verbal request if confirmed in writing, for an opportunity to make an oral presentation. That request should be directed to Richard Meister, DOE Region I, Room 700, 150 Causeway Street, Boston, Mass. 20114, 617-223-2445. The request should be received before 4:30 p.m., May 2, 1978. The request should describe the person's interest in the issue(s) involved; if appropriate, it should state why the person is an appropriate representative of the group or class of persons which has such an interest; it should give a concise summary of the proposed oral presentation and a phone number where the person may be contacted through May 8, 1978. Speakers should submit ten (10) copies of their oral presentation if possible, unless such presentation is less than five (5) pages, in which case only one copy is required, to Richard Meister, Department of Energy, Region I, Room 700, 150 Causeway Street, Boston, Mass. 02114, before 4:30 p.m., May 5, 1978. Speakers will be contacted by a DOE represented before 4:30 p.m., May 4, 1978, to confirm receipt of the written request.

Detailed technical data, views, and arguments should be contained in a written submission in support of the oral presentation. The oral presentation itself should be a summary of those written comments.

While DOE will endeavor to provide adequate opportunity to all who desire to speak, DOE reserves the right to limit the number of persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited on the basis of the number of persons requesting to be heard. DOE will prepare an agenda that shall provide, to the extent possible, for the presentation of all relevant data, views, and arguments.

A DOE official will be designated to preside at the hearing which will not be a judicial or evidentiary hearing. During oral presentations only those conducting the hearing may ask questions. There will be no cross-examination. At the conclusion of all initial oral presentations, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit written questions to the presiding officer to be asked of any person making an oral presentation. The presiding officer will determine whether to ask the question, having first determined whether the question is relevant, and whether adequate time may be afforded for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and it, together with any written comments submitted in the course of the hearing, will be retained by DOE and made available for inspection and copying at the Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and the DOE Regional Office, 150 Causeway Street, Room 700, Boston, Mass. 02114, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit written comments consisting of data, views, and arguments with respect to this proposed Prohibition Order to Public Hearing Management, Box QZ, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Comments and other documents submitted to DOE Public Hearing management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the Winslow Installation." Fifteen copies should be submitted.

All written comments received by 4:30 p.m., May 29, 1978, all oral presentations, and all other relevant information submitted to or available to DOE will be considered by DOE prior to issuance of a Prohibition Order.

Any information or data considered to be confidential by the person furnishing it must be so identified and submitted in writing in accordance with 10 CFR 303.9(f). DOE reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

Copies of the regulations implementing Section 2 (a) and (b) of ESECA (10 CFR Parts 303 and 305) are available from the following DOE Regional Offices:

Region I—Robert W. Mitchell, Acting Regional Representative, 150 Causeway Street, Room 700, Boston, Mass. 02114, 617-223-3701.

Region II—William W. Wood, Acting Regional Representative, 26 Federal Plaza, Room 3206, New York, N.Y. 10007, 212-264-1021.

Region III—Bernard Snyder, Acting Regional Representative, 1421 Cherry Street, Room 1001, Philadelphia, Pa. 19102, 215-597-3390.

Region IV—Donald Allen, Acting Regional Representative, 1655 Peachtree Street, NE., 8th Floor, Atlanta, Ga. 30309, 404-526-2837.

Region V—William Peterson, Acting Regional Representative, Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Ill. 60604, 312-353-0540.

Region VI—Curtis E. Carlson, Acting Regional Representative, Post Office Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235, 214-749-7345.

Region VII—James R. Newman, Acting Regional Representative, 324 East 11th Street, Kansas City, Mo. 64106, 816-374-2061.

Region VIII—C. Dale Eriksen, Acting Regional Representative, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colo. 80226, 303-234-2420.

Region IX—William C. Arntz, Acting Regional Representative, 111 Pine Street, San Francisco, Calif. 94111, 415-556-7216.

Region X—Jack B. Robertson, Acting Regional Representative, 1992 Federal Building, 915 Second Avenue, Seattle, Wash. 98174, 206-442-7280.

MFBI Prohibition Order Candidate Identification and Selection Methodology

Major fuel burning installation (MFBI) Prohibition Order candidates are selected in a two-part process which commenced in 1975 with an identification of the potential universe of MFBI's in order to determine which MFBI's might be subject to such Orders. Analysis of individual potential MFBI Prohibition Order candidates selected from this universe proceeds on a continuous basis.

I. Determination of Candidate Universe

By Federal Register notice of March 20, 1975 (40 FR 12706) MFBI's with design firing rates in excess of 100 MMBtu's per hour were required to provide basic identifying information so that the universe of potential Prohibition Order candidates could be determined. (Regulations published on May 9, 1975 (40 FR 20463) adopted the 100 MMBtu's per hour design firing rate as the minimum size MFBI that would be eligible for a Prohibition Order.)

On April 18, 1975 (40 FR 17328), notice was published in the Federal Register indicating that a questionnaire entitled "Major Fuel Burning Installation Coal Conversion Report" (Form FEA C-602-S-O), would be addressed to each then known MFBI for the purpose of obtaining additional information needed to help determine whether the MFBI's would be candidates for Prohibition Orders. Questionnaires were mailed to those MFBI's who responded to the March 20, 1975, Federal Register notice and to other MFBI's identified through data provided by the regional personnel of the Federal Energy Administration, the Environmental Protection Agency (EPA), by other Federal agencies, and through contact with trade associations. A total of 822 parent companies responded to the survey, identifying 3,482 installations and 6,289 individual units.

The initial survey provided historical information on quantity and characteristics of fuel use and preliminary pollution control data relative to the facilities in question.

Compilation and evaluation of this information led to development of a supplemental questionnaire (Form FEA C-602-S-1) to obtain data on the financial condition of owners of MFBI's, including information from which the effects of a Prohibition Order on an individual company basis could be ascertained. Form FEA C-602-S-1 was also designed to provide a basis for subsequent analysis of the MFBI in terms of financial capability, additional capital investment costs resulting from a Prohibition Order, operating cost differentials, and coal transportation availability.

An initial mailing of this supplemental questionnaire was sent in June 1976 to owners of 161 installations encompassing 281 individual units. Most of the supplemental questionnaires (involving 138 installations and covering 246 individual units) were sent to owners of MFBI's identified in the first questionnaires (Form FEA C-602-S-O) as having coal burning capability, and which in 1974 burned at least 150,000 barrels of oil or 921,000,000 cubic feet of natural gas, or a Btu equivalent combination. Those MFBI's identified on the first questionnaires (Form FEA C-602-S-O) as having coal burning capability but which reported fuel consumption of less than 150,000 barrels of oil, or 921,000,000 cubic feet of natural gas, or a Btu equivalent combination in 1974, were not required to complete the supplemental questionnaires at that time, but were deferred in view of the limited resources available to the program office to review the anticipated responses. These MFBI's may be required to submit supplemental information in the future. The 246 individual MFBI's were considered first because of their potential for large fuel savings.

Additional supplemental questionnaires were sent to owners of 23 installations consisting of 35 individual units where the initial questionnaires (Form FEA C-602-S-O) had indicated the MFBI's intention to discontinue use of coal.

In September 1976, following receipt of responses to the supplemental questionnaire, the program office consulted with EPA to obtain their best estimate as to the means by which each reporting MFBI could burn coal while complying with all applicable air pollution control requirements. At that time, EPA indicated whether particular MFBI's would require upgrading or installation of electrostatic precipitators, installation of flue-gas desulfurization devices, or whether the MFBI could burn coal that would conform to air pollution control requirements without pollution control equipment.

II. Site Specific Analysis

DOE has continued to collect supplemental data relating to the 161 subject sites and is conducting, on a continuing basis, technical analyses to determine whether individual MFBI's can be considered as potential candidates for issuance of a Notice of Intention (NOI) to issue a Prohibition Order. As part of its individual analyses; DOE considers the following data regarding an MFBI's potential amenability to receipt of an NOI:

(a) The expected remaining useful life of the combustor, including both DOE's and the potential candidate's estimates;

(b) The combustor unit's capacity;

(c) Fuel consumption for 1975 and for other years, where available;

(d) The last year coal was burned by the combustor;

(e) Costs of converting to coal, including pollution control equipment costs, if any, that would be required (potential candidate's and DOE's estimates);

(f) Type of pollution control equipment, if any, required (potential candidate's and EPA's estimates); and

(g) Other relevant factors, such as the percent of sulfur content in coal that would be required to insure compliance with environmental standards.

In June 1977, prior to the issuance of several Prohibition Orders to MFBI's, the program office published in the FEDERAL REGISTER notices setting forth the methodology employed in selecting the initial list of MFBI candidate facilities. The number of potential candidate facilities at that time was a function of two factors: first, the number of potential candidates was limited so as to be commensurate with the resources available to the program office, and second, the largest consumers of oil and natural gas which were potentially convertible to coal as their primary energy source were to be analyzed first, while consideration of the remainder of the original coal-capable universe was deferred.

In June 1977 certain MFBI's were specifically deferred from consideration as potential candidates because (a) their remaining useful life on January 1, 1978, was less than one year; (b) their utilization factor was less than 20 percent; (c) space required for coal use at the installation was inadequate or unavailable; (d) since filing the FEA C-602-S-O, the MFBI had been converted to coal as its primary energy source or the owner had certified that it would be so converted in the near future; (e) the MFBI had used significantly less than 2×10^{12} BtU's of oil or natural gas in the latest year for which fuel data was available, and which if converted to coal, would use less than 100,000 tons of coal annually.

Certain other MFBI's were deferred for other reasons, e.g. the proposed findings required by 10 CFR 305.4 could not be established with the information available at that time. Those MFBI's which were not deferred for any of the foregoing reasons were considered as potential candidates for Prohibition Orders. NOI's were issued where proposed findings were made and Prohibition Orders were issued to those MFBI's for which the proposed findings were perfected.

Since June 1977 the program office has continued to analyze individual MFBI's which were deferred at that time. All MFBI's which have previously received NOI's have been eliminated from further consideration, whether or not a Prohibition Order was subsequently issued. Those MFBI's which are now being reviewed as potential candidates include:

(a) All units which have not previously received NOI's and which were explicitly deferred from consideration in the June 1977 methodology;

(b) All units deferred from consideration as potential candidates for various technical or other reasons not specifically mentioned in the June 1977 methodology.

DOE has determined that MFBI's to which the following criteria are applicable are appropriately deferred from consideration as Prohibition Order candidates at this time:

(a) The remaining useful life of the MFBI on January 1, 1979, will be less than one year;

(b) The utilization factor of the unit is less than 20 percent;

(c) The space required for coal use at the installation is inadequate or unavailable;

(d) Since filing the original questionnaire (FEA C-602-S-O), the MFBI has been converted to coal as its primary energy source, or the owner has certified that the unit will be so converted in the near future;

(e) Compliance with a Prohibition Order by the MFBI would result in the use of less than 60,000 tons of coal per year.

Items (a) or (b) above would prevent DOE from finding that the burning of coal by the MFBI would be practicable. With respect to criteria (a) specifically, DOE assumes a forty-year useful life for a combustor, based on general industry averages, unless the owner reports a longer useful life. DOE has decided not to analyze MFBI's that have already converted to coal since the basic purposes of ESECA have already been accomplished by such conversions and DOE has concluded that its resources would be better spent by concentrating on those MFBI's which are not now burning coal as their primary energy source and which do not plan to convert within the near future. DOE has deferred MFBI's which do not have the potential for large savings of natural gas or petroleum.

If, upon consideration, DOE determines through analysis of the summary information submitted, that issues have been raised which will require further investigation, DOE has in the past conducted, and will continue in the future to conduct site specific visits. Site visits are employed in circumstances in which large discrepancies are observed to exist between DOE's and the MFBI's cost estimate, where unusual technical problems have been presented by the MFBI with respect to using coal and when other disparities exist between the information submitted to DOE by the MFBI and that developed independently by DOE. Information developed during a site visit may serve either as evidence that the combustor should be eliminated or deferred or that the situation warrants DOE's continuation of its analysis.

For MFBI's not eliminated through any of the above criteria, DOE calculates the net operating cost differential between using coal as the MFBI's primary energy source and using either natural gas or petroleum products.

A. *Calculation of net operating cost differential*—The net operating cost differential consists of the sum of (1) annualized increased capital investment costs required for conversion to coal, (2) differences in operating and maintenance costs (including the fuel cost differential), and (3) the potential tax consequences attendant to conversion. Initially, DOE performs calculations in determining the net operating cost differential, using cost figures supplied by the MFBI and using DOE's own estimates. When the MFBI's figures are within a reasonable range of DOE's estimates, DOE generally accepts the MFBI's figures. Gross discrepancies are examined in more detail by DOE to determine the reasonableness of the differing estimates and to reconcile differences.

The elements of the three parts of the net operating cost differential are explained below:

1. *Capital investment costs.* The primary element in this part of the cost of equipment acquisition and refurbishment required for conversion to coal, including refurbishment or acquisition of pollution control equipment. In determining the estimated annual increase in fixed costs to the owner resulting from such capital investment, DOE calculates the annual depreciation of equipment costs over the expected remaining useful service life of the MFBI (including consideration of the investment tax credit) and adds the estimated annual cost of capital.

Annual depreciation is calculated as follows:

(a) Determine cost of new equipment (including pollution control equipment) minus investment tax credit of 10 percent.

(b) Divide the figure in (a), above, by the expected remaining useful life of the MFBI after conversion is completed.

DOE presumes that the MFBI's determination of remaining useful life is correct if it results in a total useful life of at least 40 years. Otherwise, DOE will conduct a more detailed examination of the MFBI.

Calculation of the approximate annual cost of capital is as follows:

(a) New and refurbished equipment costs minus the investment tax credit, plus

(b) Twice the cost of land acquisitions required for conversions to coal burning.

(c) The total of a. and b. is divided by 2 and then multiplied by a 10 percent interest rate.

2. *Operating and maintenance costs.*—The primary factor considered in this calculation is the annual fuel cost differential which represents the difference between operating the MFBI with coal as its primary energy source in lieu of petroleum products or natural gas. (If the current supply of natural gas to the MFBI is curtailed, then the calculation of the fuel cost differential does not include natural

gas as part of the MFBI's current fuel use to the extent of that curtailment. In such cases the NOCD is calculated on the basis of actual fuel usage.) DOE has generally accepted the coal price reported by the MFBI's. If DOE considered the stated price to be unreasonable, it further examined coal prices based upon an analysis of likely coal sources. Projected coal use after conversion was calculated by converting latest annual fuel use data to its Btu equivalent for coal.

Determination of the differential relating to labor costs and the differential relating to other operating and maintenance costs was based upon estimates supplied by the MFBI's.

3. *Potential tax effects.*—Federal and State tax rates have been applied to the net operating cost differential to determine maximum potential tax effects resulting from a Prohibition Order.

If the NOCD for an MFBI is positive, i.e., projects an increase in annual costs, then a calculation of the cost per barrel of oil saved is performed by dividing the NOCD by the number of barrels of oil actually used on an annual basis (or, if the MFBI was a natural gas user, the number of barrels of oil which would be required to replace the gas use on an equivalent Btu basis). This figure (cost per barrel of oil saved) is then considered in terms of the number of barrels of oil and/or MCF of natural gas that would be saved by issuance of a Prohibition Order, the effect of the NOCD on the MFBI owner's operating expenses, as well as various environmental and other factors in reaching the final determination as to which candidates should receive an NOI.

It is to be noted that much of the information used by DOE to make its practicability findings is arguably confidential under 18 U.S.C. 1905. Therefore, such information has not appeared in the Appendix to the NOI. The calculations have been explained in each case and the data are available to the representatives of the owner of the MFBI.

The decision whether to issue an NOI is made as the calculations and analyses described above are completed. Following the issuance of an NOI, are hearings and a comment period designed to elicit data, views and arguments pertinent to the findings ESECA requires DOE to make prior to the issuance of a Prohibition Order. If no reason not to issue an order is presented to or discovered by DOE, a Prohibition Order is issued to the candidate.

Any questions regarding this Notice should be directed to DOE National Headquarters as follows: Mr. Walter Romanek, Director, Division of Coal Utilization, Department of Energy, Code OCU (Prohibition Order: Scott Paper Company, Winslow Installation, Winslow, Maine Installation, Docket Number OCU-0647), Washington, D.C. 20461, telephone 202-254-3910.

(Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), as amended by Pub. L. 95-70; Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 95-70; Department of Energy Organization Act (Pub. L. 95-91); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).)

Issued in Washington, D.C., April 25, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

APPENDIX.—PROPOSED FINDINGS AND RATIONALE FOR NOTICE OF INTENTION TO ISSUE A PROHIBITION ORDER

ESECA and the DOE regulations implementing the statute (10 CFR 303 and 305) require DOE to make certain findings before issuing a prohibition order to a major fuel-burning installation (MFBI).[1] DOE's proposed findings are set out below with respect to the MFBI named below. Supporting rationale and conclusions are also set forth.

Docket No.	Owner	Installation	Unit No.	Location
OCU-0647	Scott Paper Co	Winslow	3	Winslow, Maine

These findings, which are now proposed by DOE, are based on the information that has been provided to and developed by DOE prior to the issuance of this notice of intention (NOI) to issue a prohibition order.

Scott Paper Co. shall be referred to as the "owner" and as "Scott Paper." Winslow unit 3 shall be referred to as the "MFBI" and as "Winslow 3."

I. *Capability and necessary plant equipment to burn coal.*

DOE proposes to find that on June 22, 1974, Winslow 3 had, or thereafter acuired or was designed with, the capability and necessary plant equipment to burn coal. This proposed finding is based on the facts and interpretations stated below:

A. Scott Paper, in a Major Fuel Burning Installation Coal Conversion Report, Section II, Questions 12-14, (Form FEA C-602-S-0,) dated May 20, 1975, indicated that the MFBI had in place on June 22, 1974, a boiler that was capable of burning coal. The boiler had been designed and constructed or modified to burn coal as its primary energy source, notwithstanding the fact that on June 22, 1974, and thereafter, the MFBI may not have burned coal as its primary energy source.

B. Based on information Scott Paper filed with DOE dated March 18, 1977, and other information available to DOE, the following plant equipment and facilities at Winslow 3 would have to be acquired or refurbished in order for this MFBI to burn coal as its primary energy source: (1) Unloaders; (2) Conveyors; (3) Crushers; (4) Pulverizers; (5) Feeders; (6) Combustors; (7) Soot blowers; (8) Instrumentation and controls; (9) Ash handling and ponding equipment; (10) Air heaters; (11) Scales; and (12) Pollution control equipment.

C. DOE proposes to find that on June 22, 1974, Winslow 3 had or thereafter acquired all other significant plant equipment and facilities associated with the burning of coal.

D. Within the meaning of ESECA and the regulations promulgated pursuant thereto, the absence of any one or a combination of the equipment and facilities listed in paragraph B, above, is not grounds for concluding that Winslow 3 lacked the capability and necessary plant equipment to burn coal on June 22, 1974, or was not designed with, or did not thereafter acquire, such capability.

II. *The burning of coal in lieu of natural gas or petroleum products is practicable and consistent with the purposes of ESECA.*

DOE proposes to find that the burning of coal in lieu of petroleum products or natural gas at Winslow 3 is practicable and consistent with the purposes of ESECA. This proposed finding is based upon an analysis by DOE of the fuel consumption of this boiler for the period 1973-1975, the remaining useful service life of the boiler after conversion, the net operating cost differential that would result from compliance with a Prohibition Order, as well as the facts and interpretations referenced below:

A. *The burning of coal is practicable.*

1. *Costs associated with burning coal.*

(a) *Capital investment costs.* The total estimated initial capital investment costs, including financing costs, that would result from the acquisition and refurbishment of equipment and facilities associated with the burning of coal at Winslow 3 have been determined.

This determination was based on existing DOE information and analysis as well as information filed with DOE by the owner. Approximate costs to comply with applicable environmental protection requirements have also been considered, including the cost of compliance with the air pollution control requirements of the Clean Air Act.

(b) *Annual operating and maintenance costs.* The expected increase in operating and maintenance costs, exclusive of fuel costs, that would result from the burning of coal has been calculated based on information supplied by the owner or otherwise acquired by DOE.

(c) *Fuel Costs.* Based on an analysis of annual fuel consumption and fuel cost information supplied by the owner and/or, in appropriate circumstances, upon DOE's fuel cost estimates, DOE has determined that the burning of coal in lieu of natural gas or

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 pursuant to the Department of Energy Organization Act, from the Federal Energy Administration to the Department of Energy.

petroleum products at Winslow 3 will result in a decrease in annual fuel costs.

(d) *Net operating cost differential.* Based on the factors stated in paragraphs A.1.a.–c., above, as well as the expected remaining useful life of the boiler after conversion, DOE has determined that the net annual operating cost differential ("NOCD") which represents the difference between operating the boiler with coal and alternate fuel(s) as its primary energy source, resulting from the conversion of Winslow 3 will represent an annual cost increase of $275,163.

2. *Reasonableness of costs of conversion.*

The foregoing analysis of the costs of conversion provided the basis for deciding whether the conversion of Winslow 3 is reasonable.

As a result of conversion, Scott Paper will incur additional capital investment costs, including financing costs, and additional annual operating and maintenance costs, exclusive of fuel costs, but will experience an annual savings in its total fuel costs for the expected remaining useful service life of the boiler after conversion.

Increased costs of conversion will be mitigated by the decrease in fuel costs; the net result, however, will be an increase in the annual cost of operating the boiler.

The use of coal at Winslow 3 will result in a substantial annual savings of barrels of oil that otherwise would be used as a boiler fuel.

DOE proposes to find that the increase in capital investment costs and current annual operating and maintenance costs at Winslow 3 will be mitigated by the decrease in fuel costs resulting from the conversion from oil to coal burning, and as future potential changes in the fuel cost differential are expected to be favorable to coal use, the additional costs that would be associated with coal conversion are not unreasonable.

3. *Financial capability of the owner.*

(a) *Recovery of capital investment.* DOE proposes to find that compliance with a Prohibition Order by Winslow 3 would be economically feasible. DOE's analysis took into consideration the financial capability of the owner and is based upon the owner's financial position as reported in the Moody's Industrial Manual. Where necessary, DOE performed an independent analysis of the owner's financial capability, considering such factors as the owner's current financial statement and the addditional capital investment required for the owner to comply with this NOI and all other NOI's which are currently under consideration, as well as additional capital investment costs related to all other outstanding Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all Prohibition or Construction Orders, if any, issued to date under authority of Section 2 (a) and (c) of ESECA to MFBI's owned by Scott Paper. DOE related these additional capital investment costs to the total capitalization of Scott Paper and the remaining useful life after conversion of Winslow 3.

DOE does not consider the effect of the added capital investment costs to represent an unreasonable burden given the financial capabilities of Scott Paper to assume such costs.

(b) *Total annual costs associated with conversion.* The total estimated annual increase in costs (amortized increased capital investment costs and other costs, exclusive of fuel costs) associated with the burning of coal as opposed to oil attributable to compliance with this NOI and all other NOI's which are currently under consideration has been determined. DOE has also taken into consideration total annual costs resulting from compliance with all other outstanding Notices of Intention, to date, if any, to issue Prohibition or Construction Orders, and from all Prohibition or Construction Orders, if any, issued to date under authority of Section 2(a) and (c) of ESECA to Scott Paper MFBI's.

Notwithstanding the potential offsetting value of fuel cost savings attributable to compliance with this NOI, and all other NOI's currently under consideration, Scott Paper's total annual costs after conversion will increase by $275,163.

B. *Consistency with the purposes of ESECA.*

Because the issuance of a Prohibition Order to Winslow 3 will discourage the use of natural gas or petroleum products and encourage the increased use of coal, DOE proposes to conclude that this action would be consistent with the purpose of ESECA to provide a means to assist in meeting the essential needs of the United States for fuels.

On the basis of the environmental analysis which DOE is required to conduct prior to issuance of a Notice of Effectiveness of a Prohibition Order, as well as the necessity for this MFBI to comply with the Clean Air Act and other applicable environmental protection requirements, DOE proposes to conclude that a Prohibition Order to Winslow 3 would be consistent with the purpose of ESECA to provide for a means to assist in meeting the essential needs of the United States for fuels in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment.

III. *Coal and coal transportation facilities will be available to this MFBI during the period until December 31, 1984.*

A. *Coal availability.*

1. *National coal reserves.*

United States coal reserves are more than sufficient to supply national needs for the foreseeable future. U.S. Department of the Interior, Bureau of Mines (BOM) data show a demonstrated coal reserve base of over 400 billion tons, over half of which is currently technically and economically recoverable (Demonstrated Coal Reserve Base of the United States by Sulfur Category, on January 1, 1974, Bureau of Mines (May 1975) [hereafter "BOM Survey"]). Within these recoverable reserves approximately 100 billion tons contain 1 percent or less sulfur by weight. To determine when certain quantities of these recoverable reserves are expected to be available, DOE has examined several studies referenced herein, which together provide the best current evidence as to coal availability for the period ending December 31, 1984.

2. *National coal production and demand.*

The comparison, stated below, of estimated national coal production, national coal demand, and the total tonnage of uncommitted planned national coal production (derived from responses to a survey of coal producing companies) shows that there should be sufficient production of coal to meet the total national demand through 1980. Beyond 1980 DOE does not have data fully developed for new production plans because few coal producers have firm expansion plans that extend that far into the future. The statistics supporting more recent mine developments and enumerating updated data are currently in the process of revision.

(a) *National coal production.* It is conservatively estimated that it will be possible to produce coal nationally in at least the following quantities:

[Production potential]

Year:	*Million tons*
1978	791.6
1979	851.4
1980	911.7
1981	960.0
1982	994.3
1983	1,017.4
1984	1,028.7
1985	1,029.6

The figures shown above are derived from FEA's Coal Mine Expansion Study (May 1976). This study demonstrates that most coal producers did not have firm or accurate plans for new capacity additions beyond 1980. The 1985 projection, therefore, tends to underestimate actual production potential. Another FEA study, "Availability of Potential Coal Supply Through 1985 by Quality Characteristics," August 1976 (hereinafter "Coal Market Survey") and a DOE study, "Coal Availability by Characteristics for Fuel Conversion Orders," April 17, 1978, indicate current plans for nationwide production of uncommitted coal as follows:

[Production]

Year:	*Million tons*
1978	124.3
1979	243.1
1980	293.3
1981	350.0
1982	369.9
1983	396.2
1984	475.5
1985	544.9

(b) *National demand exclusive of ESECA prohibition order demand.* The estimated national demand, excluding any increased demand resulting from DOE action under the authority of Section 2(a) of ESECA, is as follows (FEA 1976 National Energy Outlook):

[Demand]

Year:	*Million tons*
1978	730
1979	764
1980	799
1981	842
1982	887
1983	935
1984	985
1985	1,040

(c) *National ESECA prohibition order demand.* The estimated potential demand for coal resulting from this NOI, from all other currently projected industrial candidates for NOI's, from all other Outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of Section 2(a) of ESECA is approximately the following (Coal and Transportation Availability for Major Fuel Burning Installation Coal Conversion Orders: Mehtods and Approach, May 20, 1977, as amended, April 10, 1978 (hereafter "Methods Report"):

[Demand]

Year:	*Million tons*
1978	10.050
1979	14.492
1980	21,064
1981	23.607
1982	30.043
1983	30.043
1984	30.043

3. *Characteristic coal production and demand.*

FEA's "Coal Market Survey" identifies coal of specific quality characteristics avail-

able for use at this MFBI. The survey is based on data from 31 mining companies that supplied useful information on 96 mining units. Responses from these companies identified planned production of coal which was not committed to a specific buyer. For those companies which did not respond to the survey, FEA estimated their uncommitted planned production based on their 1974 production.

(a) *Characteristic coal requirements for this MFBI.* DOE has determined that a boiler of the type used at Winslow 3 will be able to burn coal of the following characteristics and comply with all applicable air pollution control requirements.

Btu's/lb. (minimum)	13,500
Ash (maximum, percent)	7
Volatile (minimum, percent)	17
Ash softening (°F, minimum)	2,500
Sulfur (maximum, percent) (approximate)	0.66-1.0

(b) *Characteristic coal demand from the MFBI.* The potential demand for coal, of the type described above, which would be used by Winslow 3 is estimated to be as follows:

[Demand]

Year:	*Thousand tons/yr.*
1980 (and after)	92.36

(c) *National planned production, characteristic coal.* DOE's "Methods Report" has determined that coal of the type described in paragraph A.3.a., above, is uncommitted to a specific buyer and will be potentially available to this MFBI in a nationwide market as follows:

[Production]

Year:	*Thousand tons*
1978	54,090
1979	97,325
1980	124,328
1981	149,252
1982	158,268
1983	170,320
1984	201,207

(d) *National ESECA prohibition order demand for coal, regardless of characteristics.* The national planned production of characteristic coal, as stated in paragraph A.3.c., above, exceeds potential demand for coal regardless of characteristic expected from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA. National ESECA Prohibition Order demand as previously stated in paragraph A.2.c., above, is not more than the following ("Methods Report"):

[Demand]

Year:	*Thousand tons*
1978	10,050
1979	14,492
1980	21,064
1981	23,607
1982	30,043
1983	30,043
1984	30,043

(e) *Regional planned production, characteristic coal.* Coal with the characteristics described in paragraph A.3.a., above, is uncommitted and will be potentially available to Winslow 3 (in a probable regional supply/demand relationship related to the location of this MFBI) from BOM Districts 7, 8, and 13 as follows ("Methods Report"):

[Production]

Year:	Thousand *tons*
1978	19,952
1979	33,160
1980	37,779
1981	44,246
1982	47,145
1983	51,293
1984	58,891

(f) *Regional ESECA prohibition order demand for coal, regardless of characteristic.* The expected regional production of characteristic coal, as stated in paragraph A.3.e., above, exceeds the potential demand for coal regardless of characteristic from BOM Districts 7, 8, and 13 expected to result from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of section 2(a) of ESECA. This potential regional demand is estimated in DOE's "Methods Report" to be no more than the following:

[Demand]

Year:	*Thousand tons*
1978	2,767
1979	5,374
1980	9,733
1981	10,994
1982	14,979
1983	14,979
1984	14,979

(g) *Regional ESECA prohibition order demand for coal by sulfur characteristic.* The potential regional demand for coal from BOM Districts 7, 8, and 13 with a .61-1.0% sulfur content (which includes the .66-1.0% maximum sulfur content described in paragraph A.3.a., above) resulting from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of Section 2(a) of ESECA is estimated in DOE's "Methods Report" to be no more than the following:

[Demand]

Year:	*Thousand tons*[1]
1978	2,767
1979	4,320
1980	7,728
1981	8,800
1982	12,785
1983	12,785
1984	12,785

[1]Sulfur 0.61-1 percent.

The regional planned production of coal stated in paragraph A.3.e., above, with the characteristics described in paragraph A.3.a., above, far exceeds this potential ESECA regional demand for coal by sulfur characteristic.

4. *State or local laws.*

DOE has found no state or local laws or policies limiting the extraction or utilization of coal that would adversely affect these production figures, and none have been brought to DOE's attention.

5. *Conclusion.*

DOE's "Methods Report" has identified nationally and in BOM Districts 7, 8, and 13 uncommitted coal production that meets the requirements of Winslow 3 as described in paragraph A.3.a., above. DOE therefore, proposes to find that this uncommitted coal exists in amounts sufficient in any year to meet the estimated additional demand for coal, both nationally and from these Districts, resulting from this NOI, from all other currently projected industrial candidates for NOI's, from all other outstanding Notices of Intention to issue Prohibition Orders to date, and from all Prohibition Orders issued to date under authority of Section 2(a) of ESECA.

Coal for this MFBI will probably be bought from producers according to regional supply/demand relationships related to the MFBI's location from BOM Districts 7, 8, and 13. DOE observes, however, that the MFBI could purchase coal in other markets as such production becomes available. (The Feasibility of Considering Expanded Use of Western Coal by Midwestern and Eastern Utilities in the Period 1978 and Beyond, School of Engineering, University of Pennsylvania, November 7, 1975).

B. *Coal transportation.*

1. *Location of MFBI and coal supply.*

Based on a DOE study, Coal Transportation Availability Report, January 1978, (hereafter Transportation Availability Report) coal for Winslow 3 would come from Bureau of Mines (BOM) District 8 which includes both the primary and alternate supply areas. While these supply regions are the nearest available sources able to supply complying coal to Winslow 3, complying coal could be transferred by rail from other identified sources within the United States as well. However, the following analysis of transportation availability is based on the most likely, or primary route, from the BOM supply area stated above, as well as two alternate routes.

2. *Route of Coal Shipment.*

The primary route for coal delivery for the Winslow 3 plant from the primary supply source is to originate coal on the Norfolk & Western Railroad Co. (N&W) in the Devon, W. Va. area. N&W would move it via Roanoke, Va. to Shenandoah Junction in Maryland. The Chessie System (Baltimore & Ohio Railroad) would pick up the coal and deliver it to Philadelphia, Pa. via Baltimore, Md., and Wilmington, Del. ConRail would then move it via New York, N.Y. and New Haven, Conn. to Providence, R.I. and further north to Boston, Mass. Boston & Maine Corp. (B&M) would carry the coal north to Portland, Maine where the Maine Central Railroad would pick it up for the final leg of the trip to Winslow. The total rail mileage is approximately 1,127 miles.

The alternate route from the primary source would originate coal in the Berkley, W. Va. area on the Chessie System (Chesapeake & Ohio). Chessie System would move it north to Elkins, W. Va., where the Western Maryland Railway (WM) would pick it up and haul it to Cumberland, Md. ConRail would then pick up the coal and move it north via Altoona, Pa. to Boston, Mass. The Boston & Maine would move it to Portland, Maine and the Maine central would deliver it to the Winslow plant. The total rail distance is approximately 1,125 miles.

The route from the alternate source would start in the Charleston, W. Va. area in mines served by the Chessie System (Baltimore & Ohio). Chessie System would move it to Morgantown, W. Va. via Grafton, W. Va. ConRail would pick the coal up and move it north via Greensburg and Oil City, Pa. to Buffalo, N.Y. and east to Worchester, Mass. The Boston & Maine would then move it via Lowell and Haverhill, Mass. to Portland, Maine. Maine Central would deliver the coal to Winslow, Maine. The total rail distance is about 1,312 miles.

3. *Originating trunk carrier.*

The N&W, the originating carrier of coal for the Winslow 3 facility, has approximately 54,000 hopper cars with an estimated average capacity of 83 tons. Using an average number of 20 deliveries per year per 83-ton car, the N&W might require as many as 56 additional cars by 1980 to handle the increased demand from the Scott Paper Winslow 3 plant. The N&W indicated that the retirements from their hopper fleet are not expected to exceed 1,200 per year and that their capacity to build new hopper cars in their own shop is from 1,500 to 5,000 new cars per year, depending on the demand for coal from their supply areas. Shipments would probably be by general train.

N&W has also indicated that mines within the district are operating satisfactorily and that loading facilities are adequate to handle any increased volume that Winslow 3 would require under a Prohibition Order.

The Chessie System, the originator of coal from the alternate source and on the alternate route from the primary source owns about 76,000 hopper cars and has been increasing capacity by several thousand cars per year. Their own car shop has the capacity to build as many as 2,500 new cars per year. With an average capacity of 77 tons per car and using an average number of 20 deliveries per year, the company might require as many as 60 additional cars by 1980 to handle the increased demand from Winslow 3. They anticipate no difficulty in meeting this demand for cars if needed, as well as the demand of other utilities and industrial plants expected to be candidates for Prohibition Orders.

4. *Destination carrier and MFBI's facilities.*

Freight service to Winslow 3 is provided by the Maine Central as illustrated above. Scott Paper has indicated that coal receiving and handling equipment would need to be installed, but no other major constraints have been identified. DOE expects that these installations can be accomplished prior to the effective date for coal burning.

No other obstacles to the delivery of coal to Winslow 3 have been identified.

5. *Conclusion.*

Based on the foregoing analysis, DOE proposes to find that coal transportation facilities will be available for the period a Prohibition Order is expected to be in effect against Winslow 3 since no major constraints to coal delivery over the primary route to Winsow 3 presently exist, and alternate routes are available.

[FR Doc. 78-11723 Filed 4-27-78; 8:45 am]

[6740-02]

[Docket Nos. CS78-351, etc.]

Federal Energy Regulatory Commission

CANADIAN AMERICAN RESOURCES FUND, INC.—1972-3 PARTNERSHIP, ET AL.

Applications for "Small Producer" Certificates [1]

APRIL 20, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS78-351.....	3/29/ 78	Canadian American Resources Fund, Inc.—1972-3 Partnership, 2500 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS78-352.....	3/30/78	Lois Ann Cullen, 440 Davis Ct., No. 1619, San Francisco, Calif. 94111.
CS78-353.....	3/27/78	Atlantic 77 Drilling Venture, 1825 Lawrence St. No. 322, Denver, Colo. 80202.
CS78-354.....	4/6/78	KAPPA Corp., 800 Franz Huning SW., Albuquerque, N. Mex. 87104.
CS78-355.....	4/1/78	Gulf Coast Minerals, Inc., P.O. Box 824, Corpus Christe, Tex. 78403.
CS78-356.....	4/1/78	Mangum Corp., P.O. Box 109, George West, Tex. 78022.
CS78-357.....	4/2/78	Keno Oil & Gas, Inc., Box 247, Hennessey, Okla. 73742.
CS78-358.....	4/3/78	Jimmy W. Gray, Box 1411 Duncan, Okla. 73533.
CS78-359.....	4/3/78	Ed Davis, Box 3065, Odessa, Tex. 79760.
CS78-360.....	4/3/78	The Allar Co., P.O. Box 630, Graham, Tex. 76046.
CS78-361.....	4/3/78	X O Exploration, Inc., 1050-17th St., Suite 1800, Denver, Colo. 80202.
CS78-362.....	4/3/78	Skeco, a Partnership, P.O. Box 1015, Midland, Tex. 79702.
CS78-363.....	4/3/78	Jerome M. Westheimer, 301 Little Bldg., Ardmore, Okla. 73401.
CS78-364.....	4/3/78	K and G Oil Co., P.O. Box 9158, Amarillo, Tex. 79105.
CS78-365.....	4/4/78	James D. Lamb No. 1 LTD., 902 Guaranty Bank Tower, Corpus Christi, Tex. 78475.
CS78-366.....	4/4/78	React Energy, Inc., P.O. Box 1757, Corpus Christi, Tex. 78403.
CS78-367.....	4/4/78	Rolex Energy & Development, P.O. Box 1757, Corpus Christi, Tex. 78403.
CS78-368.....	4/4/78	Minnesota Mining & Manufacturing Co., P.O. Box 33327, St. Paul, Minn. 55133.
CS78-369.....	4/6/78	Kathleen B. Bell, 4821 Dexter St. NW., Washington, D.C. 20007.
CS78-370.....	4/10/78	The Boston Co. of Texas, General Partner for Boston Oil Ltd. 1977, 1116 Southwest Tower, Houston, Tex. 77002.
CS78-371.....	4/10/78	Charles F. Blackwood, 2013 First National Center West, Oklahoma City, Okla. 73102.
CS78-372.....	4/10/78	FIDO Co., Suite 200, Hightower Bldg., Okahoma City, Okla. 73102.
CS78-373.....	4/10/78	G and G Operating Co., Box 2458, Pampa, Tex. 79065.
CS78-374.....	4/10/78	R. L. Halvorsen, d.b.a. Halvey Energy Co., P.O. Bos 3713, Midland, Tex. 79702.
CS78-375.....	4/10/78	FIDOIL Co., Suite 200, Hightower Bldg., Oklahoma City, Okla. 73102.
CS78-376.....	4/10/78	Par Exploration Co., P.O. Box 53383, Lafayette, La. 70505.

[FR Doc. 78-11457 Filed 4-27-78; 8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[6740-02]

[Docket Nos. RP75—114, et al.]

EAST TENNESSEE NATURAL GAS CO.

Notice of Extension of Time

APRIL 21, 1978.

On April 19, 1978, East Tennessee Natural Gas Co. (East Tennessee) filed a motion to extend the time for filing comments, protests, and petitions to intervene to its refund report filed December 8, 1977, in the above-referenced proceeding.

The motion states that East Tennessee has reached a tentative settlement with the Tennessee Public Service Commission (TPSC) and the East Tennessee Customer Group regarding certain refund issues. The motion further states that the requested extension would enable parties to file comments appropriately reflecting the proposed settlement. Finally, the motion states that TPSC and the East Tennessee Customer Group join in the requested extension and that no other party objects to the extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 12, 1978, for filing protests or petitions to intervene pursuant to East Tennessee's refund report filed December 8, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11637 Filed 4-27-78; 8:45 am]

[6740-02]

GAS POLICY ADVISORY COUNCIL

Agenda

Meeting of/Supply-Technical Advisory Task Force—Nonconventional Natural Gas Resources Sub-Task Force I: Methane in Water, Conference Room 3200, North Building, Federal Energy Regulatory Commission, Union Plaza Building, 941 North Capitol Street NE., Washington, D.C. 20426, May 18, 1978, 9:30 a.m. Presiding: Thomas Jennings, Petroleum Engineer, Gas Policy Advisory Council—Coordinating Representative and Secretary.

1. Call to order—Thomas Jennings.
2. Discussion of sub-task force progress to date—Dr. John Harbaugh.
3. Markup and final revision of draft report.
4. Other business.
5. Adjournment—Thomas Jennings.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11643 Filed 4-27-78; 8:45 am]

[6740-02]

[Docket No. ER78-166]

GEORGIA POWER CO.

Order Denying Application for Rehearing

APRIL 21, 1978.

On March 28, 1978, Georgia Power Co. (Georgia Power) filed an application for rehearing of our February 28, 1978 order which, inter alia, granted intervention to Sidney L. Moore, Consumers' Utility Counsel of Georgia (Moore). The sole issue raised in the application challenges that grant of intervention.

Georgia Power states that in its February 8, 1978 response to petitions for leave to intervene, protests and requests for suspension and hearing[1] it took no position on the propriety of granting the requests for intervention but reserved the right to challenge the "validity or uniqueness of the interests asserted in each petition as grounds for intervention."[2] We note however that Georgia Power has artfully excepted the previously quoted phrase to support the premise that it reserved the right, in the future, to challenge the validity of the interests asserted in each petition as grounds for intervention and now in particular the validity of Moore's interest. The entire sentence as it appeared in the February 8, 1978 response reads as follows:

Without admitting the validity or uniqueness of the interests asserted in each petition as grounds for intervention, Georgia Power takes no position on the propriety of permitting such intervention, trusting in the wise exercise of the Commission's discretion on this question.[3]

We find Georgia Power's premise deficient in that the above quoted language does not state a reservation but in fact constitutes a waiver. Consequently, we find that Georgia Power has waived any objection it may have had to the granted intervention.

As to Georgia Power's various allegations that Moore is seeking to introduce extraneous issues which will impede the orderly resolution of germane issues in this proceeding we conclude that these are matters properly addressed to the Administrative Law Judge and do not warrant a denial of the petition to intervene in this case.

The Commission finds. The application for rehearing sets forth no new facts or principles of law that were not considered by the Commission when it issued its February 28, 1978 order or upon which such consideration would warrant any change or modification of the February 28, 1978 order.

The Commission orders. (A) Georgia Power's application for rehearing is denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11638 Filed 4-27-78; 8:45 am]

[1]The response referred to was not specifically dealt with in our Feb. 28, 1978 order, nonetheless the matters raised therein would not have warranted different treatment of the filing.

[2]Response of Georgia Power Co. to Petitions to Intervene, etc. (Feb. 8, 1978, at page 2).

[3]Id.

[6740-02]

[Docket No. EL78-6]

ILLINOIS POWER CO.

Order Granting Rehearing for Further Consideraion

APRIL 21, 1978.

On March 23, 1978, the Municipalities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru and Princeton, Ill. (Cities) filed an application pursuant to section 313 of the Federal Power Act, 16 U.S.C. 825(1), and section 1.34 of the Commission's rules of practice and procedure for rehearing of the Commission's "order Denying Emergency Petition and Terminating Docket Conditioned on Subsequent Filings," issued in this proceeding on February 21, 1978.

The Commission finds. In order to afford additional time for consideration of the issues raised in the application for rehearing it is appropriate and proper in the administration of the Federal Power Act and in the public interest to grant rehearing of said order issued February 21, 1978, as provided below.

The Commission orders. (A) Rehearing of said order issued February 21, 1978, is hereby granted for the limited purpose of further consideration, as provided in § 1.34(d) of the Commission's rules of practice and procedure, no answers to the application for rehearing will be entertained by the Commission since this order does not grant rehearing upon any substantive issue.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11639 Filed 4-27-78; 8:45 am]

[6740-02]

[Docket No. CS77-726]

JAMES T. CLIBURN

Order Granting Rehearing

APRIL 24, 1978.

On October 1, 1977, pursuant to the provisions of the Department of

Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act has not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On March 27, 1978, James T. Cliburn (Cliburn) filed an application for rehearing of our March 14, 1978 order issued in Docket No. CS71-560, et al. Therein we granted Cliburn a small producer certificate but stated that the reserves acquired by Cliburn from Tenneco Oil Co. (Tenneco) in the Ten-Sleep Cattle Co. Unit, Manderson Field, Big Horn County, Wyo., which are dedicated to Montana-Dakota Utilities Co., did not appear to qualify as "small producer reserves" within the meaning of section 157.40(a)(4) of the Commission's regulations. Accordingly, we limited the rate for sales of gas from such reserves to the applicable large producer ceiling.

In his application for rehearing Cliburn contends that the Commission erred in finding that the subject reserves were developed by Tenneco. Cliburn asserts that he, not Tenneco, developed these reserves, and points to a June 29, 1977 abandonment application filed by Tenneco in Docket No. CI71-169 as support for his assertion. In that abandonment application Tenneco stated that the Ten Sleep Cattle Co. No. 1 Well, Manderson Field, Big Horn County, Wyo., has been shut-in in November 1971, and had never attained a sustained production rate. Tenneco further stated that it believed there were no recoverable reserves attributable to the No. 1 Well and that it has allowed its oil and gas lease to terminate in February, 1972.

Cliburn also asserts that at the time he acquired his interest in the subject reserves pursuant to a September 12, 1977 farmout agreement with Quintana Big Horn Ltd., et al., no one was aware that commercial reserves could be produced through the No. 1 Well. Cliburn states that while he believed that the chance of developing commercial reserves justified substantial investment, there was nevertheless no guarantee that commerical production would result.

Upon further review of this matter we conclude that the subject reserves were not developed by Tenneco. Accordingly, we will grant Cliburn's application for rehearing.

The Commission orders. (A) Cliburn's application for rehearing, filed March 27, 1978, is hereby granted; (b) Footnote 11 to our March 14, 1978 order is hereby deleted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-11640 Filed 4-27-78; 8:45 am]

[6740-02]

[Docket Nos. CP75-278, CP75-283, CP77-556]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Notice Regarding the Establishment of Procedural Dates Under NEPA, Including Comments To Be Filed on Supplemental Environmental Supplement

On Tuesday, April 18, 1978, notice was given in the FEDERAL REGISTER (43 FR 16385) concerning the issuance by the Staff of the Federal Energy Regulatory Commission (FERC) of a supplemental to the Department of the Interior's Final Environmental Impact Statement for the ANG Coal Gasification Co., North Dakota Project. On Friday, April 21, 1978, the Presiding Administrative Law Judge in the FERC proceedings, Docket Nos. CP75-278, et al. issued an order establishing the following procedural dates:

May 19, 1978.—Comments with regard to the Staff's environmental supplement shall be filed with the FERC.

May 30, 1978.—Filing date for testimony in support of comments to the supplement.

June 5, 1978.—Filing date for the Staff's compilation of comments received to its environmental supplement, as well as its written responses to these comments.

June 13, 1978.—Commencement of hearings on environmental matters—the FEIS, the supplement, comments thereto, the Staff's written responses, and prepared testimony are to be placed in evidence and cross-examination of all environmental witnesses shall take place.

Any person wishing to participate in these environmental matters, including the filing of comments, shall comply with the above schedule. Persons who have not already done so are expected to file appropriate petitions of intervention pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure.

RAYMOND M. ZIMMET,
Presiding Administrative Law Judge.

[FR Doc. 78-11716 Filed 4-27-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 889-3]

DOCUMENTS ASSESSING THE PUBLIC HEALTH CONSEQUENCES OF ATMOSPHERIC ARSENIC EXPOSURES

Notice of Availability of External Review Drafts

On April 28, 1978, External Review Drafts of (1) "An Assessment of the Health Effects of Arsenic," (2) "Human Population Exposures to Arsenic," and (3) "Preliminary Estimates of Population Risks to Arsenic," will be available. Copies are available from the Criteria Development and Special Studies Division (Attention: Elizabeth Bush, 202-245-3024), U.S. Environmental Protection Agency, RD-683, 401 M Street SW., Washington, D.C. 20460.

Comments on the documents are welcome and should be sent to the same address, attention Dr. Arthur Saz by June 22, 1978.

Dated: April 21, 1978.

STEPHEN J. GAGE,
Assistant Administrator for Research and Development.

[FR Doc. 78-11688 Filed 4-27-78; 8:45 am]

[6560-01]

[FRL 889-5; PF-97]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 7F2015. Merck & Company, Inc., P.O. Box 2000, Rahway, N.J. 07065. Proposes that 40 CFR 180.242 be amended by the establishment of a tolerance for residues of the fungicide thiabendazole (2-(4-thiazoly)benzimidazole) in or on the raw agricultural commodity bananas at 3.0 parts per million (ppm) of which not more than 0.4 ppm shall be present in the pulp after the peel is removed and discarded, resulting from both pre-harvest and post-harvest applications. Proposed analytical

method for determining residues is by high pressure liquid chromatography in combination with fluorometric analysis. PM21. (29-426-2456)

PP 3F2058. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105. Proposes that 40 CFR 180 be amended by the establisment of a tolerance for residues of the herbicide oxyfluorfen (2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(triflourmethyl) benzene and its metabolites containing the diphenyl either linkage in or on the raw agricultural commodities soybeans and corn at 0.05 ppm. Proposed analytical method is by gas liquid chromatographic procedure using electron capture device. PM25. (202-426-2632)

PP 8F2063. Mobay Chemical Corp., Chemagro Agricultural Division, P.O. Box 4913, Hawthorn Rd., Kansas City, Mo. 64120. Proposes that 40 CFR 180 be amended by the establisment of a tolerance for the residues of the insecticide O-ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioatae and its cholinesterase inhibiting metabolites in or on the raw agricultural commodities cottonseed at 0.5 ppm; meat, fat and meat by-products of cattle, goats, hogs, horses, poultry and sheep at 0.01 ppm; milk and eggs at 0.001 ppm. Proposed analytical method for determining residues is by gas chromatography equipped with a T.C. detector. PM12. (202-426-9425)

PP 8F2064. E. I. DuPont De Nemours and Co., Wimington, Del. 19898. Proposes that 40 CFR 180.253 be amended by the establishment of a tolerance for the residues of the insecticide methomyl (S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodity blueberries at 6.0 ppm. Proposed analytical method for determining residues is by microculometric gas chromatography. PM12. (202-426-9425)

FAP 8H5178. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006. Proposes That 21 CFR 561 be amended by the establishment of a regulation permitting the use of the insecticide/nematocide 2-methyl-2-(methylsulfonyl)propanol O-[methylamino)carbonyl]-oxime on the commodities cottonseed hulls with a tolerance limitation of 0.1 ppm and soapstock from cottenseed oil refining with a tolerance limition of 0.60 ppm. PM12. (202-426-9425)

Interested persons are invited to submit written comments on these petitions to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Inquiries concerning these petitions may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 24, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[6560-01]

[FRL 889-4]

STATE WATER QUALITY STANDARDS

Adoptions and Approvals

The purpose of this notice is to identify State water quality standards which have been federally approved under section 303 of Pub. L. 92-500 since August 1, 1977. In the October 28, 1977 FEDERAL REGISTER (42 FR 56786), which listed the dates of State adoption and Federal approval made prior to August 1, 1977, the Agency indicated that the dates of Federal approval of State water quality standards would be noticed in the FEDERAL REGISTER shortly following any Federal approval of such standards. This notice serves to fulfill that function. The identification of Federal approvals of State water quality standards in this notice is complete as of March 31, 1978.

The complete text of any State water quality standards may be obtained by contacting the appropriate State agency or the Water Division of the appropriate EPA Regional Office.

STATE ADOPTIONS AND FEDERAL APPROVALS

ALABAMA

The State of Alabama water quality standards, which were adopted by Alabama on May 30, 1977, have been approved in part by the EPA on August 29, 1977, and are contained in the document entitled "Water Use Classifications and Water Quality Criteria for the State of Alabama".

CONNECTICUT

The State of Connecticut water quality standards, which were adopted by Connecticut Department of Environmental Protection on September 20, 1977, have been approved by the EPA on December 10, 1977, and are contained in the document entitled "Water Quality Criteria".

INDIANA

The State of Indiana water quality standards adopted on February 17, 1977, have been approved in part by the EPA on October 10, 1977 and are contained in the document entitled "Amendments to Regulation SPC 1R-4 of the Indiana Stream Control Board".

IOWA

The State of Iowa water quality standards which were, adopted by Iowa on June 15, 1977, have been approved in part by the EPA on January 20, 1978, and are contained in the document entitled "Water Quality Standards, 1977".

LOUISIANA

The State of Louisiana water quality standards, which were adopted by Louisiana on May 26, 1977, have been approved by the EPA on October 3, 1977, and are contained in the document entitled "State of Louisiana Water Quality Criteria, Louisiana Stream Control Commission 1977".

MAINE

The State of Maine water quality standards, which were adopted by Maine on June 23, 1977, have been approved by the EPA on August 30, 1977, and are contained in the document entitled "Maine Revised Statutes Annotated, Title 38, Chapter 3."

RHODE ISLAND

The State of Rhode Island water quality standards, which were adopted by Rhode Island on September 22, 1977, have been approved by the EPA on December 21, 1977, and are contained in the document entitled "Water Quality Criteria for Classification of Waters of the State, Adopted 1967, revised 1973, 1975, 1977".

SOUTH DAKOTA

The State of South Dakota water quality standards, which were adopted by South Dakota on October 28, 1977, have been approved in part by the EPA on March 15, 1978, and are contained in the document entitled "South Dakota Water Quality Standards ARSD 34:04:02 through 34:04:04".

Dated: April 24, 1978.

THOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc. 78-11689 Filed 4-27-78; 8:45 am]

[6560-01]

[FRL 890-3]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

April 17, 1978 through April 21, 1978

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protec-

tion Agency from April 17, 1978 through April 21, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review comment on draft environmental impact statements is forty-five (45) days; the date of submission of comment is June 12, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

On March 8, 1978, EPA notified the Federal agencies that effective April 17, 1978, there would be a change in the method for computing the 30-day review period for final EIS's. It was proposed that draft and final EIS's review timeframes be computed the same way, i.e., for each EIS received during a given week the timeframe would commence on the Friday of the following week.

However, as the result of objections from two Federal agencies to this procedural change, the April 17, 1978, effective date is postponed indefinitely. Further consideration will be given to making this change as the Council on Environmental Quality proposes and finalizes its regulations implementing Executive Order 11991.

Therefore, EPA will continue to compute the 30-day timeframe for final EIS's from the date the final EIS is made available to EPA and the public.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: April 26, 1978.

JOSEPH M. MCCABE,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Sheep Mountain Wilderness Study, Los Angeles and San Bernardino Counties, Calif., April 19: This statement concerns several alternative land use allocations for the national forest owned lands of the Sheep Mountain Wilderness Study Area. The study area includes 800 acres of privately owned lands, the remainder being Angeles and San Bernardino National Forest lands located in the Counties of Los Angeles and San Bernardino, Calif. Five alternative plans are being considered with varying options and effects concerning resource capability and use, watershed protection wildlife habitat, brushland conversion, enhancement of bighorn sheep populations and habitat, natural conditions, mineral resource recovery, recreational usage and inclusion or exclusion of wilderness lands. (USDA-FS-R5-DES(LEG/ADM) 78-03.) (ELR Order No. 80386.)

Final

Western Spruce Budworm Management, Boise and Payette National Forests, several counties, Idaho, April 18: Proposed are six alternatives for the management of timber resources on 3,017,660 acres infested with or that have a probability of becoming infested with the western spruce budworm in Boise and Payette National Forests, Idaho. The six alternatives are: 1) No action, 2) Maximum level of chemical control using Sevin-4 and orthene, 3) Maximum level of chemical control considered using Sevin-4 only, 4) Maximum level of intensified silvicultural practices to reduce area of impact, and 5) A combination of treatments with a lesser degree of chemical application, and 6) Silvicultural treatment of grand fir species. (USDA-FS-R4-FES(ADM)R4-78-2.) Comments made by: EPA, AHP, HUD, USDA, State, and local agencies, individuals, businesses. (ELR Order No. 80373.)

Northeast Spruce Budworm Suppression Project, Maine, April 21: Proposed is the 1978 cooperative spruce budworm suppression project in Maine, Vermont, and New Hampshire. The proposed plan concerns a maximum of 2,400,000 acres of State and private woodlands in Maine and 18,000 acres in New Hampshire, and the status of Vermont infestation. Registered use of chemical insecticides, silvicultural practices to reduce infestation potential, accelerated logging to reduce losses, normal forest management practices, and an integrated pest management system are the alternatives being considered to accomplish the objective. Comments made by: EPA, DOC, State and local agencies, groups, and individuals. (ELR Order No. 80403.)

Draft supplement

Elk Summit Land Management Plan, Revision (S-1), Idaho April 18: This statement supplements an EIS issued in March 1975 concerning the Elk Summit land use plan, Clearwater National Forest, Orofino, Idaho. The issues of water quality, fisheries and wildlife were reviewed and reanalyzed and as a result the FS has determined that some changes are needed in the original land use plan to resolve several issues raised by the appellants. (ELR Order No. 80382.)

DEPARTMENT OF DEFENSE, ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Office of the Assistant Chief of Engineers, Department of the Army, Room 1E676, Pentagon, Washington, D.C. 20310, 202-694-4269.

Final

Ft. Stewart Complex, mission change, several counties in Georgia, April 21: Proposed is the changing of the mission at the Fort Stewart Hunter Army Airfield Complex to include the permanent stationing of the 24th Infantry Division. Activation of units of the 24th Infantry Division was initiated at the Fort Stewart Complex in fiscal year 1975 and is scheduled to be completed in fiscal year 1977. The 24th infantry Division will have approximately 12,000 troops and 2,000 vehicles. This action will particularly affect Bryan, Chatham, Evans, Long, Liberty, and Tattnall Counties in Georgia, comments made by: DOT, DOI, HUD, HEW, USDA, EPA, COE, State and local agencies. (ELR Order No. 80402.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Imperial Beach, erosion control, San Diego County, Calif., April 18: The purpose of the proposed project is to prevent the severe beach erosion, particularly to the newly replenished public beach that results from winter storms and to prevent damage to adjacent beach front structure, U.S. Naval Radio Station facilities, and public utilities. The project is in the city of Imperial Beach, in the southwest corner of San Diego County, Calif. Imperial Beach lies just below the extreme south end of San Diego Bay. The project site involves 5,000 feet of the city's 7,000-foot-long recreational beach frontage. (Los Angeles District.) (ELR Order No. 80379.)

Allegheny River sand and gravel dredging, Several counties in Pennsylvania, April 20: The proposed action is the issuance of permits to allow continued commercial sand and gravel dredging from the lower Allegheny River within the reach extending from mile 0 to mile 72, in western Pennsylvania. These permits are required under section 10 of the River and Harbor Act of 1899 and section 404 of the Federal Water Pollution Control Act Amendments of 1972. Two firms currently maintain four commercial dredging operations under permit which operate at various points within or adjoining the lower Allegheny River, below mile 72. (Pittsburgh District.) (ELR Order No. 80394.)

Final

Kaskaskia Island drainage and levee, Mississippi River, Mo. and Ill., April 18: Proposed is a flood protection plan for the Mississippi River between Ste. Genevieve and St. Mary's, Mo. The plan consists of an 8-foot landside levee raise for the 14.8 miles of levee protecting 9,069 acres of agricultural land and the village of Pujol and Kaskaskia, Ill., on Kaskaskia Island. Protection from flooding from the Mississippi River will be increased to 46.6 feet on the Chester, Ill., or a flood with the probability of occurrence of once in approximately 50 years. (St. Louis district.) Comments made by: DOI, USDA, DOT, USCG, EPA, State and local agencies, groups. (ELR Order No. 80377.)

Draft supplement

Lake Pontchartrain north shore, Federal maintenance, Louisiana, April 18: This statement supplements a draft EIS filed with CEQ in January 1976. As a result of a number of studies, recommendations were made for two Federal actions. The first action concerns the maintenance of entrance channels, existing jetties and mooring areas, which include dredging along Bayou Castine, a natural stream between the town of Mandeville and Fontainebleau State Park, La. The second action would involve use of dredged material from Bayou Castine for the restoration and nourishment of a sand beach in Fontainebleau State Park. The Federal Government would be responsible for the actions involved and maintenance of dredging activities. (New Orleans.) (ELR Order No. 80384.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Coastal zone management program, Maine, April 20: The proposed action is the approval of a coastal program application by the State of Maine. The State of Maine is requesting administrative grants to improve environmental conditions, land use planning and management and to carry out research that will result in recommendations to the Legislature for improvement of policies concerning tourism, fisheries, heavy industry, etc. (ELR Order No. 80392.)

Final

Northern anchovy fishery management plan, April 18: The proposed action is to adopt and implement a fishery management plan for the fisheries of the central subpopulation of the northern anchovy (*Engraulis mordax*) under the provisions of the Fishery Conservation and Management Act of 1976. Options on six management measures: Fishing seasons, area closure, size restrictions, limited entry, sex restrictions, and harvest quotas, are considered. Comments made by: DOI, EPA, and State and local agencies and groups, individuals, businesses. (ELR Order No. 80378.)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Department of Energy, 1200 Pennsylvania Avenue NW., Room 7119, Washington, D.C. 20461, 202-566-9760.

Draft

Low Btu Coal Gasification Facility and Industrial Park, Scott County, Ky., April 19: This statement evaluates the potential impact associated with construction and operation of a low-Btu coal gasification facility and industrial park on a 174-acre plot in Georgetown, Scott County, Ky. The plan covered in this EIS was developed by Irvin Industrial Development, Inc., which consists of a double unit gasifier. These units would require approximately 1.5 tons of coal per hour and produce 205,000 cubic feet of gas per hour. The gas product would have a heat content of 150-165 Bty/Bu. ft. Under this plan the industrial park would be tenanted by user-industries for a period of 7-10. years. (DOE/EIS-00070D). (ELR order No. 80383.)

Montgomery County, Ohio: The purpose of this statement is to describe the ongoing work of all operations at the Mound Facility, Miamisburg, Montgomery County, Ohio, and to analyze and evaluate the impacts on the environment that continuation of this work entails. Mound Facility is operated to produce nuclear weapon components for the Nuclear Weapons Program. Perform surveillance on weapon components, manufacture radioactive-fueled heat sources for the Nuclear Weapon Program and the National Space Program, and to market nonradioactive isotopes to the scientific community. The plant is bordered by undeveloped agricultural lands and residential housing. (DOE/EIS-0014D). (ELR order No 80393.)

Final

New Melones 230-kV Transmission Line, Several Counties in California, April 21: The proposed project entails construction of about 23 miles of 230-kV electric transmission line from the New Melones Switchyard to the PG&E Co., Bellot-Herndon No. 2 line near Oakdale, Calif. The line would be constructed in conformity with an agreement between the Department of Energy and the Power Company. It will deliver power into the PG&E grid and onto the Federal Load Center at Tracy Switchyard over Power Company Facilities, crossing lands in Calaveras, Tuolumne, and Stanislaus Counties. About 285 acres of land will be devoted to transmission line right-of-way. (DOE-EIS-0011). Comments made by: DOI, HEW, COE, FERC, USDA, EPA, State and local agencies. Groups and individuals. (ELR order No. 80399.)

FEDERAL ENERGY RESEARCH COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, 202-275-6569.

Draft

ANG Coal Gasification, Receipt and Transportation, Mercer County, N. Dak., April 20: The FERC has prepared this DEIS for the company applications which relate directly or indirectly to a proposal for the sale and construction and operation of transmission facilities to enable the receipt and transport of the gas. This EIS supplements a final EIS prepared by the USDI Bureau of Recalmation on the Constuction and Operation of a Proposed Coal Gasification Complex in Mercer County, N. Dak. The purpose of the proposed facilities would be to increase pipeline system capacities in order to transport the 275 SCF of SNG to be produced at the complex in Mercer County. (FERC/EIS-0001). (ELR order No. 80396.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Bill Geise, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295, 303-837-3895.

Final

Three Lakes Wastewater Treatment, Colorado, April 21: The proposed project calls for the protection of the water quality of Grand Lake, Shadow Mountain Lake, Lake Granby, and their tributaries by the provision of wastewater collection and treatment facilities and the control of nonpoint pollution. The objective is also to provide these water quality controls while, at the same time, avoiding undesirable secondary impacts on area growth patterns, the Shadow Mountain National Recreation Area, water rights, and other aspects of the local environment. Six alternative wastewater treatment systems are analyzed, with one preferred system. (Region VIII.) (EPA-908/5-78-002.0 Comments made by: DOI, USDA, HEW, HUD, state, and local agencies. (ELR Order No. 80401.)

Contact: Mr. Wallace Stickney, Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Room 2203, Boston, Mass. 02203, 617-223-7210.

Draft

Lakes Region Water Quality Management Plan, several counties, New Hampshire, April 18: This action involves the technical and management alternatives which have been considered to deal with water quality problems of the lakes region from now through the next 20 years. The lakes region is located in central New Hampshire and consists of four counties. Each community within the 208 planning area should seriously consider the various alternatives and solutions to the water quality problems and work towards developing a final recommendation. Each community may need to make financial commitments and land use decisions which will affect future growth and types of development and management decisions important in implementing water quality recommendations. (ELR Order No. 80380.)

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

Newport Naval Base, Quonset Point, Disposition, Washington and Newport Counties, R.I., April 21: The proposed action involves the disposition of surplus Federal real property in the State of Rhode Island. The surplus properties comprise portions of the former Naval Air Station, Quonset Point, Construction Battalion Center, Davisville, located in Washington County, and portions of the Newport Naval Base consisting of the Navy Supply Center, Newport County, R.I. The two bases form a continuous land parcel. Quonset Point was declared excess in its entirety, while portions of Davisville have been retained by the Navy. Roughly 2,100 acres are presently under the jurisdiction of GSA. (ELR Order No. 80397.)

Charlestown Naval Auxiliary Landing Field, Washington County, R.I., April 21: This action involves the disposing of Federal Properties which have been determined to be no longer needed for the purposes for which they were formerly used. Charlestown naval Auxiliary Landing Field (NALF) is located in the southern tier of Washington County, R.I. Charlestown and the abutting communities of Hopkinton, Richmond, South Kingstown, and Westerly are the five communities most liable to be subjected to changes brought about by proposals to reuse the Charlestown NALF. The GSA has proposed selling the land for construction of nuclear powered electricity generation facilities. (ELR Order No. 80400.)

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

Oakland Park Towers Development, Troy, Oakland County, Mich., April 20: Oakland Park Towers is proposed for a 21-acre site in southeast Troy, Oakland County, Mich. The project will ultimately contain 800 units, and have a resident population of approximately 1,500 persons. The proposal currently before HUD is to obtain approval of mortgage insurance under section 23 of the Housing Act for phase II, a single high-rise structure containng 302 units of 10.5 acres. (HUD-RO5-EIS-77-14(D).) (ELR Order No. 80387.)

Six Forks North, Mine Valley Subdivision, Raleigh, Wake County, N.C., April 21: The proposed action is the approval of FHA

home mortgage insurance for Six Forks North-Mine Valley Subdivisions, Raleigh, N.C. The project involves a 700-acre tract of land purchased by Key Homes, Inc. Approximately 130 acres of the original 700-acre tract have been developed for uses other than single-family housing, including multi-family housing, flood control and recreational land, and light office, institutional, and shopping facilities. (HUD-RO4-EIS-78-05-D.) (ELR Order No. 80404.)

Village East Estates, Vista Hills, El Paso, El Paso County, Tex., April 20: The proposed action is for the HUD to accept for mortgage insurance purposes, the proposed Village East Estates, located near the southeast limits of the city of El Paso, Tex. Over 490 acres will be devoted to single-family housing with approximately 112 acres for arious commercial developments. A small amount of duplex and apartments and land devoted to school, park and ponding areas is also part of the development. (HUD-RO6-EIS/78-17D.) (ELR Order No. 80388.)

Final

Jonathan New Community, Chaska, Carver County, Minn., April 20: The proposed Federal action is the approval by the board of directors of the New Community Development (NCDC) of a revised development plan for Jonathan New Community in Chaska, Minn. Under the terms of the original project agreement, the developer initiated development of a new community in accordance with an approved development plan. However, as the result of severe financial difficulties brought about by changing market conditions, development of Jonathan has stalled. This EIS evaluates the potential impact of six alternative development plans, including the plan as originally approved in 1970, on the environment. Comments made by: DOT, FERC, EPA. (ELR Order No. 80383.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Silver City, Lease of Public Lands, Owyhee County, Idaho, April 18: This action is a proposal to retain and lease 70 tracts totaling approximately 5.5 acres of public land in Silver City, Idaho. The leases would be issued to resolve unauthorized occupancy and land use problems discovered during the preparation of the 1972 West Owyhee unit management framework plan for the the Silver City area, although leases will be issued on an individual basis they will all include provisions for the preservation and protection of archaeological and historical resources, public health, and the natural environment. General provisions will also be required concerning lease terms, transfers, inspections, water and sewage systems. (DES 78-11.) (ELR Order No. 80374.)

BUREAU OF OUTDOOR RECREATION

Final

Off-Road Vehicle Use—Executive Order 11644, April 17: The proposed action would implement executive order 11644 concerning the use of motorized off-road vehicles (Orvs), policies and guidelines would be established for the use of Orvs on lands administered by the Department of the Interior or to reduce the adverse environmental impacts these vehicles now have on public lands, some facets of freedom and convenience of users of Orvs would be restricted. This document is a revision of a final EIS issued in January, 1974, (FES 78-5.) Comments made by: USDA, DOC, DOI, CEQ, EPA, State and local agencies, groups, and individuals. (ELR Order No. 80372.)

BUREAU OF RECLAMATION

Draft

McGee Creek Project, Atako County, Okla., April 20: The proposed McGree creek project, Atoka County, Okla., will store surface water to meet expanding M. & I. water needs of Oklahoma City and parts of south-central Oklahoma, about 60,000 acre-feet of M. & I. water will be provided and 8,000 acre-feet will be released downstream to provide a continuous streamflow rate of 11 cubic feet per second. The project includes construction of a dam, dike, reservior, pipeline, a natural scenic recreation area, wildlife management area, and appurtenant facilities. (DES 78-12.) (ELR Order No. 80389.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Enviornmental Projects, Nuclear Regulatory Commission, P-518, Washington, D.C. 20555, 301-492-8446.

Draft

Morton Ranch Uranium Mill, License, Converse County, Wyo., April 20: The proposed action is the issuance of a source license to United Nuclear Corp. for the construction and operation of the proposed Morton Ranch Uranium Mill with a product (yellow-cake) production limited to 1,008,640 kg (2,400,000lb.) per year. The Mill is located on Morton Ranch in Converse County, Wyo., and it is estimated that Ranch deposits contain about 13 million tons of uranium ore, waste materials (tailings) from the mill will be produced at a rate of about 1800 Mt (2,000 tons) of ore solids per day and stored onsite. (NUREG-0439.) (ELR Order No. 80390.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, Tennessee Valley Authority, 4720 Edney Building, Chattanooga, Tenn. 37401, 615-755-3161 FTS 854-3161.

Final

Dalton Pass Uranium Mine, McKinley County, N. Mex., April 21: Proposed is the approval by the Department of the Interior of a mine and reclamation plan for the construction and operation of the Dalton Pass Uranium Mine by the United Nuclear Corp. (UNC) in McKinley County, N. Mex. Also proposed is TVA's participation with UNC in the construction and operation of this mine. Adverse effects include the depression of groundwater levels. Alteration of specific topographic features near the shaft sites; disruption of the natural habitat; and temporary minor degradation of air quality. Comments made by: USDA, AHP, DOT, EPA, HEW, State and local agencies, individuals. (ELR Order No. 80398).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

4th to 5th Avenue Transition, U.S. 83 Minot, Ward County, N. Dak., April 18: The purpose of this project is to complete the upgrading of the major east-west arterial in northcentral Minot, N. Dak. The proposed improvement begins at the intersection of Broadway and 4th Avenue S.W., and then runs easterly on 4th and 5th Avenues and ends near the intersection of 6th Street N.W., and 5th Avenue N.E. The length of the project varies from 1,900 to 3,300 feet depending on which alternative is selected. The project includes the purchase of right-of-way and the construction of a transition street. (FHWA-ND-EIS-78-02D.) (ELR ORDER No. 80381.)

Final

F.A.R. 595, Ill. Route 2-I-80, Rock Island and Henry Counties, Ill., April 20: Proposed is the construction of a segment of Federal Aid Route 595 in Rock Island County, Ill. The project begins at the intersection of John Deere and Colona Roads and continues 3.5 miles in an easterly direction to the I-80-Cleveland Road interchange. The new facility is planned as a 4-lane expressway with a 22-foot median. Adverse impacts include increased levels of noise and water pollution. (Region 5.) (FHWA-IL-EIS-77-02-F.) Comments made by: USDA, COE, EPA, DOI, and State and local agencies and individuals and groups. (ELR Order No. 80391.)

Nebraska Highway 12, Niobrara, Knox County, Nebr., April 18: The proposed action consists of improving and relocating Nebraska Highway 12 through the relocated townsite of Niobrara, Nebr. Project plans call for the construction of a 2.8 mile segment of two-lane highway from just west of the Mormon Canal Bridge in Knox County, Nebr., to one mile east of Niobrara, including widening Mormon Canal Bridge and a replacement bridge across the Niobrara River. Some impact on local wildlife is anticipated and approximately four acres from present Niobrara State Park will be needed to construct the replacement bridge. (FHWA-NEBR.-EIS-77-02-F.) Comments made by: FAA, USAF, USDA, DOI, EPA, and State and local agencies, groups. (ELR Order No. 80375.)

State Route 3, Clear Creek to Poulsbo, Kitsap County, Wash., April 20: Proposed is the construction of a 7.86-mile section of State Route 3 on a route extending from the Clear Creek Road interchange north of Silverdale to a point north of Poulsbo. Most of the proposed fully controlled access highway will have four lanes; six lanes are proposed beween the Clear Creek Road interchange and the Midway Avenue interchange. Interchanges, grade separations, frontage roads, and crossroads are included to maintain local circulation patterns and to provide access to the Naval Submarine Base, Bangor. The proposed route is designated as the T-5 Corridor. (Region 10.) (FHWA-WA-EIS-77-05-F.) Comments made by: USDA, COE, DOD, HUD, DOT, EPA and State and local agencies, and groups and individuals. (ELR Order No. 80395.)

Allen Boulevard Interchange, Beaverton, Washington County, Oreg., April 18: Proposed is the construction of a full diamond interchange at the intersection of the Beaverton-Tigard Highway (Highway 217) and Allen Boulevard, in the City of Beaverton. Two design alternatives are being proposed. One is a full diamond interchange with

standard on- and off- ramps, full-access control, and a two-lane overpass structure spanning Highway 217. Adverse effects include displacement of five families and loss of wildlife habitat. (FHWA-OR-EIS-76-02F.) Comments made by: EPA, DOI, USDA. (ELR Order No. 80376.)

[FR Doc. 11776 Filed 4-27-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by May 8, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 9902-3 (Sub. 3).

Filing party: Edward Schmeltzer, Esq., Schmeltzer, Aptaker & Sheppard, P.C., Suite 305, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 9902-3 (Sub. 3) provides that the parties to Euro-Pacific joint service may exceed the permanent limitations imposed on its overall capacity by chartering up to 300 TEU on an additional vessel to be loaded sometime between May 19 and May 29.

By order of the Federal Maritime Commission.

Dated: April 25, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-11629 Filed 4-27-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of March 21, 1978

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 21, 1978.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services has been adversely affected in the current quarter by unusually severe weather and the lengthy strike in coal mining but that there has been little change in the underlying economic situation. In February industrial production recovered much of the decline of the preceding month, and nonfarm payroll employment increased considerably further. The unemployment rate declined from 6.3 to 6.1 percent. Retail sales picked up somewhat from the sharply reduced level of January. The pace of the rise in prices stepped up in February, reflecting large increases in farm products and processed foods. The index of average hourly earnings was unchanged, after having advanced sharply in January when higher minimum wages became effective.

The trade-weighted value of the dollar against major foreign currencies rose sharply in anticipation of the U.S.-German announcements on March 13. Subsequently, the dollar declined to about the level at the end of February. The U.S. trade statistics reported for January showed a continuing large deficit.

M-1 declined and M-2 increased relatively little in February, apparently in part because of the economic effects of the coal strike and the severe weather. Inflows to banks of the interest-bearing deposits included in M-2 were about maintained, but the inflows were almost entirely into large-denomination time deposits exempt from ceilings on interest rates. Inflows to nonbank thrift institutions remained slow. Market interest rates have changed little in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

At its meeting on February 28, 1978, the Committee agreed that growth of M-1, M-2, and M-3 within ranges of 4 to 6½ per cent, 6½ to 9 percent, and 7½ to 10 percent, respectively, from the fourth quarter of 1977 to the fourth quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M-1 and M-2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the March-April period to be within ranges of 4 to 8 percent for M-1 and 5½ to 9 percent for M-2. In the judgment of the Committee such growth rates are likely to be associated with a weekly-average Federal funds rate of about 6¾ percent. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objectives for the Federal funds rate shall be modified in an orderly fashion within a range of 6½ to 7 percent. In the conduct of day-to-day operations, account shall be taken of emerging financial market conditions, including the conditions in foreign exchange markets.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, April 21, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-11538 Filed 4-27-78; 8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of March 21, 1978 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[6210-01]

GLEN ROSE BANCSHARES, INC.

Formation of Bank Holding Company

Glen Rose Bancshares, Inc., Glen Rose, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in Glen Rose, Glen Rose, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 19, 1978.

Board of Governors of the Federal Reserve System, April 21, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR DOC. 78-11537 Filed 4-27-78; 8:45 am]

[6210-01]

MUYSKENS CORP.

Formation of Bank Holding Company

Muyskens Corp., Casselberry, Fla. has applied for the Board's approval

under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 87.9 percent of the voting shares of Tropic Bank of Seminole, Casselberry, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 19, 1978.

Board of Governors of the Federal Reserve System, April 20, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-11536 Filed 4-27-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 21, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 16, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, 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 an extension without change clearance of the filing provisions in sections 250.3 and 250.9 of Part 250—Priority Rules, Denied Boarding Compensation Tariff and Reports of Unaccommodated Passengers, of the Board's Economic Regulations. These provisions require U.S. certificated route air carriers and foreign air carriers authorized to transport passengers to file with the Board: (1) Priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight, and (2) a written statement explaining denied boarding compensation. These filing provisions are mandatory under the Federal Aviation Act of 1958, as amended. Respondents submit one report for each section and revisions to the reports as necessary. The CAB estimates that respondents number approximately 124 and reporting time averages 15 minutes per response.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc. 78-11597 Filed 4-27-78; 8:45 am]

[6820-25]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 60; FCC Docket No. CC-78-36]

FEDERAL COMMUNICATIONS COMMISSION IMPLICATIONS OF THE TELEPHONE INDUSTRY'S PRIMARY INSTRUMENT CONCEPT

Proposed Intervention in Communications Rulemaking Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Federal Communications Commission (FCC) concerning the Notice of Inquiry into the Primary Instrument concept announced by the FCC on February 6, 1978, 43 FR 6151. The GSA represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets NW., Washington, DC. 20405, telephone 202-566-0726, on or before May 30, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)).)

Dated: April 20, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-11516 Filed 4-27-78; 8:45 am]

[6820-22]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, May 15, 1978, from 9 a.m. to 3 p.m., Public Buildings Service Conference Room, GSA Center, 15th and C Streets SW., Auburn, Wash. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed renovation and modernization of the Federal Building, 1002 Northeast Holladay Street, Portland, Oreg. The meeting will be open to the public.

R. D. CASAD,
Regional Administrator.

[FR Doc. 78-11584 Filed 4-27-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

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 bodies scheduled to assemble during the month of June 1978:

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

June 1-2, 9 a.m., the Wellington Holiday Inn, 2505 Wisconsin Avenue NW., Washington, D.C. Open: June 1, 9 to 10 a.m. Closed: Otherwise. Contact: Jane Gascoyne, Room 9-105, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3568.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to Drug Abuse Training Activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda. From 9 to 10 a.m., June 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse and Mental Health

Administration, pursuant to the provisions of title 5, U.S. Code (552b(c)(6) and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

DRUG ABUSE TRAINING REVIEW COMMITTEE

June 1-2, 9 a.m., Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Open: June 1, 9 to 10 a.m. Closed: Thereafter. Contact: Mr. James F. Callahan, Room 10A-46, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6720.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Insitute of Mental Health relating to research activities, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., June 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

PSYCHOLOGICAL SCIENCES FELLOWSHIP REVIEW COMMITTEE

June 1-3, 9 a.m., Ramada Inn-Rosslyn, 1900 North Fort Myers Drive, Arlington, Va. Open: June 1, 9 to 11 a.m. Closed: Otherwise. Contact: Mary Cope, Room 9C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3856.

Purpose. The Committee is charged with the initial review of fellowship applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychological sciences fellowships and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 11 a.m., June 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of fellowship applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

June 1-3, 9 a.m., Arlington Hyatt House Hotel, 1325 Wilson Boulevard, Arlington, Va. 22209. Open: June 1, 9 to 10 a.m. Closed: Otherwise. Contact: Harriet German, Room 10C-05, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3367.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., June 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

June 2-3, 9 a.m., North Scott Room, Gramercy Inn, 1616 Rhode Island Avenue NW., Washington, D.C. 20036. Open: June 2, 9 to 11 a.m. Closed: Otherwise. Contact: Edna M. Hardy Hill, Room 7-102, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3724.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 11 a.m., June 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

June 2-5, 8:30 a.m., Sheraton Motor Inn, 8727 Colesville Road, Silver Spring, Md. 20910. Open: June 2, 8:30 to 9:30 a.m. Closed: Otherwise. Contact: Mr. Sidney Leopold, Room 11-10, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 310-443-1374.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism relating to alcoholism services activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 8:30 to 9:30 a.m., June 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

CRIME AND DELINQUENCY REVIEW COMMITTEE

June 7-9, 9 a.m., Circle Room, Dupont Plaza Hotal, 1500 New Hampshire Avenue NW., Washington, D.C. 20008. Open: June 7, 9 to 11 a.m. Closed: Otherwise. Contact: Carol Beall, Room 18C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3728.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, individual violent behavior, and related law and mental health interactions, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 11 a.m., June 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

RESEARCH SCIENTIST DEVELOPMENT REVIEW COMMITTEE

June 8-10, 9 a.m., Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md. 20015. Open: June 8, 9 to 11 a.m. Closed: Otherwise. Contact: Barbara Ann Friedland,

Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4347.

Purpose. The Committee is charged with the initial review of grant applications for Research Scientist Development Awards and Research Scientist Awards administered by the National Institute of Mental Health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 11 a.m., June 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

June 12-13, 9 a.m., Sheraton-Park Hotel, Suite G-101, 2600 Woodley Road NW., Washington, D.C. Open: June 12, 9 to 9:30 a.m. Closed: Otherwise. Contact: Nina Young, Room 9-97, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3454.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., June 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

DRUG ABUSE RESEARCH REVIEW COMMITTEE

June 13-16, 9 a.m., Conference Rooms I, K, L, and M, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Open: 9 to 9:30 a.m. Closed: Thereafter. Contact: Mrs. Lucy Stevens, Room 9-46, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6664.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda. From 9 to 9:30 a.m., June 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

ALCOHOL RESEARCH REVIEW COMMITTEE

June 14-16, 9 a.m., Bethesda Holiday Inn, Georgia Room, Bethesda, Md. Open: June 14, 9 to 10 a.m. Closed: Otherwise. Contact: Dr. James C. Teegarden, Room 16C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4223.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute for Alcohol Abuse and Alcoholism relating to research activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda. From 9 to 10 a.m., June 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

June 14-16, 9 a.m., Suite 605, Holiday Inn, 2505 Wisconsin Avenue NW., Washington, D.C. 20007. Open: June 14, to 9:30 a.m. Closed: Otherwise. Contact: John T. Hammack, Room 10-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3936.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental psychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., June 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

June 14-16, 9 a.m., Suite C-130, Shoreham Americana, Connecticut Avenue at Calvert Street, Washington, D.C. Open: June 14, 9 to 9:30 a.m. Closed: Otherwise. Contact: Mrs. Phyllis Pinzow, Room 15-19, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3373.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to metropolitan mental health problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., June 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

MENTAL HEALTH SMALL GRANT COMMITTEE

June 15-17, 1 p.m., Board Room and Council Room, the Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008. Open: June 15, 1 to 2 p.m. Closed: Otherwise. Contact: Mary E. Enyart, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4337.

Purpose. The Committee is charged with the initial review of small grant applications for Federal assistance in all disciplines relevant to the National Institute of Mental Health and for small grant projects submitted for support to the other Institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda. From 1 to 2 p.m., June 15, the meeting will be open for discussion of administrative announcements and

program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

June 21-23, 9 a.m., Room 705, Holiday Inn-Georgetown, 2505 Wisconsin Avenue NW., Washington, D.C. 20007. Open: June 21, 9 to 10 a.m. Closed: Otherwise. Contact: Shirley Maltz, Room 10C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3942.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., June 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

DEVELOPMENTAL PROBLEMS RESEARCH REVIEW COMMITTEE

June 22-24, 9 a.m., Ben Franklin Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md. 20015. Open: June 22, 9 to 10 a.m. Closed: Otherwise. Contact: Mrs. Diana Souder, Room 10-104, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3566.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

June 22-24, 9 a.m., Adams Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md. 20015. Open: June 22, 9 to 9:30 a.m. Closed: Otherwise. Contact: Mrs. Vi Kemp, Room 10-104, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4843.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

* * * * *

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

June 26-27, 9 a.m., Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Va. 22209. Open: June 26, 9 to 10 a.m. Closed: Otherwise. Contact: Mrs. Eileen Nugent, Room 10C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3367.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 10 a.m., June 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the the provisions of section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above, The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 301-443-4573. The NIAAA Information Officer who will furnish upon request summaries of the meeting and rosters of the committtee members is Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306. The NIDA Information Officer who will furnish summaries of the meeting and rosters of the Committee is Ms. Mary Carol Kelly, Program Information Officer for Drug Abuse, NIDA, Room 10-18, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6245.

Dated: April 20, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration

[FR Doc 78-11228 Filed 4-27-78; 8:45 am]

[4110-88]

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

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 June 1978:

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

June 5-7; 9 a.m., Smithsonian Institution—Belmont Conference Center, Elkridge, Md. Open: June 5; 9-10:00 a.m. Closed: Otherwise. Contact: James T. Cumiskey, Room 11C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3764.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9:00 a.m. to 10:00 a.m., June 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the

Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: April 21, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-11364 Filed 4-27-78; 8:45 am]

[4110-88]

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

Change in Meeting Dates

In FR Doc. 78-9596, appearing on page 15776 in the issue of Friday, April 14, 1978, the dates for the meeting of the Neuropsychology Research Review Committee have been changed from May 22-24, 1978, to May 22-23, 1978. All other information remains as published April 14.

Dated: April 21, 1978.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 78-11365 Filed 4-27-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 76N-0250; Desi 10187]

METHYLPHENIDATE HYDROCHLORIDE FOR ORAL USE

Drugs for Human use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing methylphenidate hydrochloride for the indications for which it continues to be regarded as effective and offers an opportunity for a hearing concerning the indications reclassified to lacking substantial evidence of effectiveness. The drug is used in the treatment of narcolepsy and hyperkinetic behavior disorders in children.

DATES: Hearing requests due on or before May 30, 1978. Supplements to approved NDA's due on or before June 27, 1978.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 10187, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements to full new drug applications (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Room 10B-34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Room 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 10187; docket No. FDC-D-238 (now Docket No. 76N-0250)) published in the FEDERAL REGISTER of October 7, 1970 (35 FR 15771), the Food and Drug Administration announced its conclusions that the drug described below is: (1) Effective for the treatment of narcolepsy and in the treatment of minimal brain dysfunction (hyperkinetic behavior disorders) in children; (2) probably effective in the treatment of drug-induced lethargy; (3) possibly effective in the treatment of apathetic or withdrawn senile behavior and mild depression; and (4) lacking substantial evidence of effectiveness for chronic fatigue and psychoneuroses (associated with mild depression, apathy, or withdrawal). The notice also offered an opportunity for a hearing concerning the indications concluded at that time to lack substantial evidence of effectiveness. The manufacturer of the drug deleted from the labeling of the drug the probably effective indication and the indications lacking substantial evidence of effectiveness. Data intended to support the possibly effective indications were submitted but were found not to provide substantial evidence of effectiveness for those indications. No data were submitted in support of the probably effective indications, and both the probably effective and possibly effective indications are now reclassified to lacking substantial evidence of effectiveness.

The notice that follows does not pertain to the indications stated in the October 7, 1970 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

NDA 10-187; Ritalin Hydrochloride Tablets containing methylphenidate hydrochloride; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901.

Ciba Pharmaceutical Co. submitted studies intended to support the possibly effective indications. Discussion of these studies follows:

MILD DEPRESSION

For the indication "mild depression," 10 studies were submitted on April 17, 1972. Detailed findings of inadequacies in the studies were conveyed to the firm in letters dated November 13, 1972, and March 11, 1974. On March 24, 1977, reanalysis of nine of these studies and seven additional studies were submitted. The orginial studies used an identical randomized, double-blind, parallel design to compare Ritalin 10 milligrams with placebo for 4 weeks. Subjects were evaluated using the Hamilton Depression Scale, the Zung Self-Rating Depression Scale, and a global evaluation before treatment and every 2 weeks thereafter. The Zung Scale gives a total score and scores for five factors in depression: Depressive Mood, General Depression, Appetite Disturbance, Somatic, and Performance and was the measure used in the reanalysis. Thus each study provided 12 points of Ritalin-placebo comparison: the five factors plus total Zung score on each of two visits. The reanalysis of the nine studies was reviewed statistically. Of the nine studies, only three favored Ritalin significantly in even a single Ritalin-placebo comparison. Of the three, two found only a single factor on a single visit favoring the drug; the third study (Russo) differed from all others in that Ritalin was statistically significantly better than placebo for most factors on both visits. The remainder of the studies do not show even a clear trend as 40 of the 108 comparisons (12 comparisons per

study times 9 studies) favor placebo. Therefore, although these studies in most cases are well-controlled, they do not provide substantial evidence of effectiveness.

The seven additional studies were all part of a multicenter study using the same protocol. They were randomized, double-blind, 2-week studies of parallel design in male and female outpatients, using many assessments: Global evaluation, Raskin Depression Scale, Zung Depression Scale. On days 3, 7, 10, and 14, assessments were made. Only two of the seven studies (Glazer and Garner) showed significant improvement with Ritalin over placebo for any assessments, but these two studies either failed to show consistency among the factors where improvement was reported or failed to show consistency from one assessment to the next in most cases. Therefore these two studies can not be considered as providing substantial evidence of effectiveness.

In summary, while the seven additional studies were in most cases well-controlled, they do not demonstrate the superiority of methylphenidate over placebo in the treatment of mild depression and this indication is therefore reclassified to lacking substantial evidence of effectiveness.

APATHETIC OR WITHDRAWN SENILE BEHAVIOR

For the indication "apathetic or withdrawn senile behavior," four studies were submitted on April 17, 1972. These studies were of parallel design, randomized, double-blind, and placebo-controlled, comparing methylphenidate with placebo. The studies were of 6 weeks' duration and were identical in design except that one study used 20 milligrams of methylphenidate while the others used 10 milligrams. Patients were evaluated at baseline and every 2 weeks thereafter. By letters of November 13, 1972 and March 11, 1974, Ciba was informed that the studies did not provide substantial evidence of effectiveness. Three of the four studies failed to show a statistically significant advantage for methylphenidate over placebo on any of the five separate measures of efficacy. Only the Kaplitz study showed significant advantage over placebo, but several methodological deficiencies render it less than a well-controlled study:

1. Randomization is questionable since a far greater number of placebo patients than Ritalin patients were rated initially as having "marked or severe" senile behavior (21 CFR 314.111(a)(5) (ii) (*a*) (*2*) (*iii*)).

2. While the submission indicates that a large portion of the study population was on concomitant medication, it fails to mention which drugs the subjects were taking concomitantly. It is thus impossible to tell whether the drug and placebo groups were comparable with respect to this important variable. (21 CFR 314.111(a)(5) (ii) (*a*) (*2*) (*iii*)).

3. Five Ritalin and 11 placebo patients were omitted from the analysis, the reason most frequently given being that the patient was "discharged to a nursing home". No reason was provided as to why these patients were discharged; there was no analysis to determine the effects of these dropouts on randomization. (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

The four studies thus either fail to demonstrate the effectiveness of Ritalin in improving apathetic or withdrawn senile behavior or are not well-controlled studies, and this indication is therefore reclassified to lacking substantial evidence of effectivenss.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the product(s) specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to a product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications set forth in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the October 7, 1970 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

For use in the treatment of narcolepsy; as an adjunct in the treatment of minimal brain dysfunction (hyperkinetic behavior disorders) in children.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before June 27, 1978 the holder of the application submits, if he or she has not previously done so: (i) A supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted; and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the condi-

tions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above (21 CFR 310.6) are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

An applicant or any person subject to this notice pursuant to 21 CFR 310.6 who decides to seek a hearing shall file (1) on or before May 30, 1978, a written notice of appearance and request for hearing, and (2) on or before June 27, 1978, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to make use of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the [application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: April 13, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-11227 Filed 4-27-78; 8:45 am]

[1505-01]

Food and Drug Administration

[Docket No. 75P-0021]

DIAGNOSTIC X-RAY SYSTEMS

Denial of Petition for Amendment of Standard

Correction

In FR Doc. 78-9595 appearing at page 15776 in the issue of Friday, April 14, 1978, the twelfth line of the middle column on page 15777 should read, "for the above reasons and in accordance".

[1505-01]

[Docket No. 75N-0230; DESI 1786]

DUOTRATE 30 WITH PHENOBARBITAL CAPSULES AND DUOTRATE 45 WITH PHENOBARBITAL CAPSULES

Withdrawal of Approval of New Drug Applications

Corrections

In FR Doc. 78-9924 appearing at page 15778 in the issue of Friday, April 14, 1978, the following corrections are made:

1. In the middle column of page 15778 the effective date should read, "April 24, 1978."

2. In the fifth full paragraph in the first column on page 15779 the item in parentheses should read, "(no NDA's)."

3. In the first line of the middle column on page 15779 the effective date should be, "April 24, 1978."

[4110-03]

[Docket No. 76N-0507]

F.D. & C. RED NO. 40

Availability of Second Interim Report of the Working Group

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Working Group on F.D. & C. Red No. 40 has submitted to the Acting Director, Bureau of Foods, and to the Commissioner of Food and Drugs, its second interim report on recently completed and ongoing studies with F.D. & C. Red No. 40. The Working Group has found that the available data do not demonstrate F.D. & C. Red No. 40 to be carcinogenic but that a final determination should await completion of the ongoing mouse feeding study.

ADDRESS: Copies of the report are available from 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:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: F.D. & C. Red No. 40 is "permanently" listed for use in food, drugs, and cosmetics under §§ 74.340, 74.1340, and 74.2340 (21 CFR 74.340, 74.1340, 74.2340) of the color additive regulations. In 1976, during a lifetime feed-

ing study of the color in CD-1 mice, apparent early incidence of lymphoma raised concern about the safety of F.D. & C. Red No. 40. This study, along with a lifetime feeding study of F.D. & C. Red No. 40 in rats, began in late 1974 at Hazleton Laboratories, Vienna, Va., under sponsorship of Allied Chemical Corp.

The Food and Drug Administration formed an interagency working group of scientists from FDA, the National Center for Toxicological Research of FDA, and the National Cancer Institute (41 FR 53546, December 7, 1976) to evaluate data from the first mouse feeding study, the rat feeding study, and a second mouse feeding study begun by Hazleton Laboratories in mid-1976 to determine whether the apparent early onset of lymphoma detected in the first mouse study would recur. The Working Group has received subsequent monthly reports from these three ongoing studies.

The first meeting of the Working Group on F.D. & C. Red No. 40 took place on December 16 and 17, 1976 and January 10, 1977, and the group's findings and recommendations were made available for public review in February 1977. In its first interim report, notice of which appeared in the FEDERAL REGISTER of February 8, 1977 (42 FR 8005), the Working Group concluded that the available data were too preliminary to make a decision concerning the carcinogenicity of F.D. & C. Red No. 40 to CD-1 mice, and that a final decision would have to wait until completion of at least the first mouse feeding study.

Following completion of the first mouse feeding study and the rat feeding study, the Working Group reconvened on December 19 and 20, 1977, as announced in the FEDERAL REGISTER of December 6, 1977 (42 FR 61630). The morning session on December 19 was open to the public from 9:30 to 10:30 a.m. for presentation of data, information, and views by interested persons. The Working Group considered data from the first 76 weeks of the second mouse feeding study in addition to the final reports on the first mouse feeding study and the rat feeding study.

The Working Group has concluded that these experiments provide no evidence at this time that F.D. & C. Red No. 40 is carcinogenic either through tumor incidence or tumor acceleration. The Working Group has recommended that a final assessment await completion of the second mouse study. In its interim report, the Working Group has concluded that there was neither a significant acceleration of lymphoma formation on the basis of the completed first mouse study nor any apparent significant acceleration of lymphoma formation in the interim results of the second mouse study. The Working Group further concluded that there was no statistically significant increase in the incidence of lymphomas due to the ingestion of F.D. & C. Red No. 40 in either mouse study. The Working Group has also analyzed the data from the completed rat study and has found no treatment-related tumors.

Copies of the second interim report of the Working Group on F.D. & C. Red No. 40 are on public display 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 reviewed between 9 a.m. and 4 p.m., Monday through Friday. Copies may be obtained from the Hearing Clerk upon request.

Dated: April 20, 1978.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc. 78-11366 Filed 4-27-78; 8:45 am]

[4110-08]

National Institutes of Health

DES TASK FORCE COMMITTEE

Meeting

Notice is hereby given of the meeting on DES Task Force Committee sponsored by the Division of Cancer Control and Rehabilitation, May 8, 1978, at the Blair Building, First Floor Conference Room, 8300 Colesville Road, Silver Spring, Md.

This meeting will be open to the public on May 8, 1978, beginning at 9:30 a.m. until adjournment to discuss relationship of vaginal epithelia changes and cancer to diethylstilbestrol exposure in female offspring. Attendance by the public will be limited to space available.

Dr. Mary Ann Sestili, Executive Secretary, Blair Building, Room 617B, 8300 Colesville Road, Silver Spring, Md. 20910, 301-427-7477, will provide additional information.

Dated: April 24, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11551 Filed 4-27-78; 8:45 am]

[4110-08]

NATIONAL DIABETES ADVISORY BOARD

Amended Meeting

Notice is hereby given of a change in the meetings of the National Diabetes Advisory Board on May 17, 1978, which was published in the FEDERAL REGISTER on March 31, 1978, 43 FR 13634.

The Board meeting that was scheduled for May 17, 1978, has been canceled. There will be an Executive Committee meeting on May 10, 1978. The time and meeting location may be obtained by contacting 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 national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: April 18, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11552 Filed 4-27-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a panel presentation and discussion of issues facing the National Commission on Digestive Diseases, May 22, 1978, 3:30 to 5 p.m., in Las Vegas, Nev. MGM Grand Hotel, Adelphi Room. The presentation is open to the public, and is being held in conjunction with Digestive Diseases week activities. Attendance will be limited to space available.

A panel of five Commission Members will present papers on the "National Commission on Digestive Diseases: Activities and Issues. "There will be a question and answer session.

Further information may be obtained from Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014, telephone 301-496-1347.

Messrs. James N. Fordham or Irving Shapiro, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda. Md. 20014, telephone 301-496-3583, will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: April 18, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11553 Filed 4-27-78; 8:45 am]

[4110-08]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), May 25-26, 1978, Conference Room 8, Building 31-C, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public from 9 a.m. to recess on May 25 for: The conduct of Council business, including a report by the Director, DRR; a report by the Deputy Director, DRR; a presentation by a member of the Council entitled, "DRR from a University Research Administrator's Viewpoint;" a presentation by a member of the NIH staff entitled, "Extramural Trends;" a review of the Council Operating Procedures; a discussion of the revision of the Biomedical Research Support Program Guidelines; a status report and discussion of the General Clinical Research Centers Program Work Group; a discussion by the Planning and Agenda Work Group of the Council, a review of the Animal Resources Program, DRR, and a preliminary report on the status of the Primate Resources Evaluation Study. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6) under Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 26 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Md. 20014, 301-496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Md. 20014, 301-496-6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11554 Filed 4-27-78; 8:45 am]

[4110-08]

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, May 31 and June 1, 1978, Conference Room 104, Building 14G, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public on May 31 from 8:30 a.m. to 12 noon, during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92463, the meeting will be closed to the public on May 31 from 12 noon to 5 p.m. and on June 1 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual research grant applications and National research Service Awards. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, National Institutes of Health, Bethesda, Md. 20014 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal resources Advisory Committe, Room 5B55, Building 31, National Institutes of Health, Bethesda, Md. 20014, 301-496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11555 Filed 4-27-78; 8:45 am]

[4110-08]

STUDY SECTION MEETINGS

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for May and June 1978 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Md., 20014, telephone 301-496-7441, will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	May to June 1978 meetings	Time	Location
Allergy and immunology, Dr. Morton Reitman, room 320, telephone 301-496-7380.	June 1 to 3	8:45 a.m	Holiday Inn, Bethesda, Md.
Applied physiology and orthopedics, Mrs. Ileen E. Stewart, room 350, telephone 301-496-7581.	June 22 to 24	8:30 a.m	Do.
Bacteriology and mycology, Dr. Milton Gordon, room 234, telephone 301-496-7340.	June 1 to 3	8:30 a.m	Do.
Bioanalytical and metallobiochemistry, Mr. Richard P. Bratzel, room 310, telephone 301-496-7733.	June 9 to 11	8 a.m	American Motel, Atlanta, Ga.
Biochemistry, Dr. Adolphus P. Toliver, room 318, telephone 301-496-7516.	June 8 to 11	9 a.m	Sheraton Biltmore, Atlanta, Ga.
Biophysics and biophysical, chemistry A, Dr. Irvin Fuhr, room 236, telephone 301-496-7060.	June 2 to 4	9 a.m	Terrace Garden Inn, Atlanta, Ga.
Biophysics and biophysical, chemistry B, Dr. John B. Wolff, room 236, telephone 301-496-7070.	June 1 to 3	8:30 a.m	Ramada Inn, Atlanta, Ga.
Cardiovascular and pulmonary, Dr. Vincent J. Cairoli, room 339, telephone 301-496-7901.	June 13 to 17	8 a.m	DuPont Plaza Hotel, Washington, D.C.

Study section	May to June 1978 meetings	Time	Location
Cardiovascular and renal, Dr. Rosemary S. Morris, room 339, telephone 301-496-7901.	June 7 to 10	9 a.m	Holiday Inn, Bethesda, Md.
Cell biology, Dr. Gerald Greenhouse, room 2A-04, telephone 301-496-7020.	do	8:30 a.m	Room 9, building 31C, Bethesda, Md.
Communicative sciences, Dr. Michael Halasz, room 321, telephone 301-496-7550.	June 14 to 16	8:30 a.m	Room 7, building 31C, Bethesda, Md.
Developmental behavioral sciences, Dr. Bertie H. R. Woolf, room 232, telephone 301-496-7025.	June 20 to 23	8:30 a.m	Embassy Row Hotel, Washington, D.C.
Endocrinology, Mr. Morris M. Graff, room 333, telephone 301-496-7346.	June 5 to 8	7 p.m	Sheraton Inn, Silver Spring, Md.
Epidemiology and disease control, Mr. Glenn G. Lamson, Jr., room 205, telephone 301-496-7246.	June 10 to 13	8:30 a.m	Ironmen Inn, Iowa City, Iowa.
Experimental psychology, Dr. A. Keith Murray, room 220, telephone 301-496-7058.	June 21 to 24	9 a.m	Sheraton Inn, Silver Spring, Md.
Experimental therapeutics, Dr. Anne R. Bourke, room 319, telephone 301-496-7839.	May 31 to June 3	1 p.m	Kenwood Country Club, Bethesda, Md.
Experimental virology, Dr. Eugene Zebovitz, room 206, telephone 301-496-7474.	June 18 to 21	2 p.m	Room 8, building 31C, Bethesda, Md.
General medicine A, Dr. Harold M. Davidson, room 354, telephone 301-496-7797.	June 25 to 28	6 p.m	Room 10, building 31C, Bethesda, Md.
General medicine B, Dr. William F. Davis, Jr., room 322, telephone 301-496-7730.	June 7 to 10	9 a.m	Embassy Row Hotel, Washington, D.C.
Genetics, Dr. David J. Remondini, room 349, telephone 301-496-7271.	June 1 to 3	9 a.m	Linden Hill Hotel, Bethesda, Md.
Hematology, Dr. Clark K. Lum, room 355, telephone 301-496-7508.	June 21 to 24	8:30 a.m	Room C418, Landow Bldg., Bethesda, Md.
Human embryology and development, Dr. Mischa E. Friedman, room 221, telephone 301-496-7597.	June 15 to 18	8:30 a.m	Marines' Memorial Club, San Francisco, Calif.
Immunobiology, Dr. James H. Turner, room 233, telephone 301-496-7780.	June 19 to 23	8:30 a.m	Many Glacier Hotel, East Glacier Park, Mont.
Immunological sciences, Dr. Lottie Kornfeld, room 233, telephone 301-496-7179.	June 1 to 3	8:30 a.m	Terrace Garden Inn, Atlanta, Ga.
Medicinal chemistry A, Dr. Asher A. Hyatt, room 222, telephone 301-496-7286.	June 1 to 4	9 a.m	Hyatt Regency, Washington, D.C.
Metabolism, Dr. Robert M. Leonard, room 334, telephone 301-496-7091.	June 21 to 24	8:30 a.m	Room 10, building 31C, Bethesda, Md.
Microbial chemistry, Dr. Eileen Raizen, room 357, telephone 301-496-7130.	June 9 to 11	8:30 a.m	American Motel, Atlanta, Ga.
Molecular biology, Dr. Donald T. Disque, room 328, telephone 301-496-7830.	June 8 to 10	8:30 a.m	Holiday Inn, Chevy Chase, Md.
Molecular cytology, Dr. Wendell H. Kyle, room 222, telephone 301-496-7149.	June 22 to 24	8:30 a.m	Room 9, building 31C, Bethesda, Md.
Neurological sciences, Dr. Edwin M. Bartos, room 207, telephone 301-496-7000.	June 1 to 3	8:30 a.m	Room 7, building 31C, Bethesda, Md.
Neurology A, Dr. William E. Morris, room 326, telephone 301-496-7095.	May 31 to June 3	9 a.m	Room 8, building 31C, Bethesda, Md.
Neurology B, Dr. Willard L. McFarland, room 2A-10, telephone 301-496-7422.	June 7 to 10	8:30 a.m	Sheraton Park, Washington, D.C.
Nutrition, Dr. John R. Schubert, room 204, telephone 301-496-7178.	June 21 to 23	8:30 a.m	Room 7, building 31C, Bethesda, Md.
Oral biology and medicine, Dr. Thomas M. Tarpley, Jr., room 325, telephone 301-496-7818.	May 30 to June 2	8 a.m	Sheraton Inn, Silver Spring, Md.
Pathobiological chemistry, Dr. Ellen G. Archer, room 206, telephone 301-496-7432.	June 14 to 17	8:30 a.m	Room 8, building 31C, Bethesda, Md.
Pathology A, Dr. Harold Waters, room 337, telephone 301-496-7305.	May 31 to June 2	8 a.m	Sheraton Inn, Silver Spring, Md.
Pathology B, Mrs. Barbara S. Bynum, room 352, telephone 301-496-7244.	do	8:30 a.m	Holiday Inn, Bethesda, Md.
Pharmacology, Dr. Joseph A. Kaiser, room 218, telephone 301-496-7408.	June 13 to 15	8:30 a.m	Do.
Physiological chemistry, Dr. Robert L. Ingram, room 338, telephone 301-496-7837.	June 1 to 3	9 a.m	Best Western Motel, Atlanta, Ga.
Physiology, Dr. Asher Hyatt, room 209, telephone 301-496-7878.	June 15 to 17	9 a.m	Room 9, building 31C, Bethesda, Md.
Radiation, Dr. Robert L. Straube, room A-10, telephone 301-496-7073.	June 11 to 13	9 a.m	Kenwood Country Club, Bethesda, Md.
Reproductive biology, Dr. Dharam S. Dhindsa, room 307, telephone 301-496-7318.	June 10 to 13	9 a.m	Deauville Hotel, Miami Beach, Fla.
Social sciences and population, Miss Carol A. Campbell, room 210, telephone 301-496-7140.	June 12 to 14	9 a.m	Room 10, building 31C, Bethesda, Md.
Surgery, anesthesiology, and trauma, Dr. Keith Kraner, room 336, telephone 301-496-7771.	June 23 to 24	8:30 a.m	Holiday Inn (airport), Arlington, Va.
Surgery and bioengineering, Dr. Joe W. Atkinson, room 348, telephone 301-496-7506.	June 12 to 13	8:30 a.m	Holiday Inn (Jefferson Davis Highway), Arlington, Va.
Toxicology, Dr. Asher Hyatt, room 226, telephone 301-496-7570.	June 15 to 17	8 a.m	Holiday Inn, Bethesda, Md.
Tropical medicine and parasitology, Dr. Betty June Myers, room 319, telephone 301-496-7494.	do	8:30 a.m	Kenwood Country Club, Bethesda, Md.
Virology, Dr. Claire H. Winestock, room 309, telephone 301-496-7128.	do	8:30 a.m	Room 6, building 31C, Bethesda, Md.
Visual sciences A, Dr. Orvil E. A. Bolduan, room 2A-05, telephone 301-496-7180.	June 26 to 28	9 a.m	Holiday Inn, Georgetown, D.C.
Visual sciences B, Dr. Luigi Giacometti, room 325, telephone 301-496-7251.	May 31 to June 3	9 a.m	Do.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.337, 13.349, 13.393-13.396, 13.836-13.844, 13.846-13.871, 13.876, National Institutes of Health, HEW.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-11556 Filed 4-27-78; 8:45 am]

[4110-08]

MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on June 1-2, 1978, in the Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md.

This meeting will be open to the public on June 1 from 9 to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Center for Research for Mothers and Children, the Chiefs, Human Learning and Behavior, Pregnancy and Infancy, and Developmental Biology and Nutrition Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 1 from 10:30 a.m. to adjournment on June 2 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Md., 301-496-1848, will provide a summary of the meeting and a roster of committee members. Mr. Jehu Hunter, Acting Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C17, National Institutes of Health, Bethesda, Md., 301-496-1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-11557 Filed 4-27-78; 8:45 am]

[4110-08]

NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, June 5, 6, and 7, 1978, Building 31, Conference Room No. 7, National Institutes of Health, Bethesda, Md.

This meeting will convene each day at 9 a.m. and will be open to the public from 9 a.m. until noon on June 5 for opening remarks by the Director, National Eye Institute, discussion of procedural matters, and a presentation on program plans by the extramural staff of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1 p.m. until adjournment on Monday, June 5, and the entire day on Tuesday and Wednesday, June 6 and 7, until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Chief, Office of Scientific Reports and Program Planning, National Eye Institute, Building 31, Room 6A-25, AC 301-496-5248, will provide summaries of meetings and rosters of committee members.

Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-11558 Filed 4-27-78; 8:45 am]

[4110-08]

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Notice of Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to dicuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708 will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: Developmental Therapeutics Committee.
Dates: June 8, 1978; 9:30 a.m.—adjourment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss program changes and general committee business.
Executive Secretary: Dr. J. A. R. Mead, address: Blair Building, Room 5A03, National Institutes of Health, phone: 301-427-7263.

Name of Committee: President's Cancer Panel.
Dates: June 12, 1978; 9:30 a.m.—adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To hear reports on the President's Cancer Panel and the National Cancer Program.

Excutive Secretary: Dr. Richard A. Tjalma, address: Building 31, Room 11A46, National Institutes of Health, phone: 301-496-5854.
Name of Committee: Chemical Selection Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: June 27, 1978; 8:30 a.m.—adjourment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.
Executive Secretary: Dr. J. Dan. Recer, address: Landow Building, Room 8C25, National Institutes of Health, phone: 301-496-4663.
Name of Committee: Experimental Design Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: June 28, 1978; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss experimental design for bioassay and other matters relevant to experimental design.
Executive Secretary: Dr. J. Dan Recer, address: Landow Building, Room 8C25, National Institutes of Health, phone: 301-496-4663.
Name of Committee: Data Evaluation/Risk Assessment of the Clearinghouse on Environmental Carcinogens.
Dates: June 29, 1978; 8:30 a.m.—adjournment.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.
Executive secretary: Dr. James M. Sontag, address: Building 31, Room 3A16, National Institutes of Health, phone: 301-496-5108.
Name of Committee: Committee on Cytology Automation.
Dates: June 29, 1978; 1:30 p.m.—adjournment.
Place: Building 10, Room 1A21, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss possible areas of requests for proposals.
Executive Secretary: Dr. Bill Bunnag, address: Building 10, Room 1A21, National Institutes of Health, phone: 301-496-5282.

Dated: April 18, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11559 Filed 4-27-78; 8:45 am]

[4110-08]

DES TASK FORCE COMMITTEE

Meeting

Notice is hereby given of the meeting on DES Task Force Committee sponsored by the division of Cancer Control and rehabilitation, June 9, 1978, Stonehouse 16-A, 9000 Rockville Pike, Bethesda, Md.

This meeting will be open to the public on June 9, 1978, beginning at 9:30 a.m. until adjournment to discuss abnormality of other anatomical systems and psychosocial issues surrounding diethylstilbestrol exposure in female offspring. Attendance by the public will be limited to space available.

Dr. Mary Ann Sestili, Executive Secretary, Blair Building, Room 617B, 8300 Colesville Road, Silver Spring, Md. 20910, 301-427-7477, will provide additional information.

Dated: April 24, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11560 Filed 4-27-78; 8:45 am]

[4110-08]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institutes of Health, June 15-17, 1978, in the Spring Room, Holiday Inn, 8777 Georgia Avenue, Silver Spring, Md. 20910.

The meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on June 15, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 16, from 8:30 a.m. to adjournment of June 17th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH NINCDS, Bethesda, Md. 20014, telephone 301-496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Exective Secretary, Federal Building, Room 9C14B, Bethesda, Md. 20014, 301-496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11561 Filed 4-27-78; 8:45 am]

[4110-08]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institutes of Health, June 15-17, 1978, in the Silver Room, Holiday Inn, 8777 Georgia Avenue, Silver Spring, Md. 20910.

The meeting will be open to the public from 8:30 p.m. until 10:30 p.m. on June 15, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c) (4), and 552b(c) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 16, from 8:30 a.m. to adjournment on June 17th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Md. 20014, telephone 301-496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John W. Diggs, Executive Secretary, Federal Building, Room 9C10B, Bethesda, Md. 20014, 301-496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-11562 Filed 4-27-78; 8:45 am]

[4110-08]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 20, 1978, in Building 31, Conference Room 4, A Wing, NIH, Bethesda, Md. 20014.

The meeting will be open to the public from 8:30 a.m. until 10 a.m. on June 20th, to discuss program planning and program accomplishments. Attendance by the public will be limit-

ed to space available. In accordance with the provisions set forth in section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 20th, from 10 a.m. to adjournment, for the review, discussion and evaluation of individual initial grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Sylvia Shafer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Md. 20014, telephone 301-496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Ernest J. Moore, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, Md. 20014, 301-496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-11563 Filed 4-27-78; 8:45 am]

[4110-08]

COOPERATIVE GROUP CHAIRMEN

Meeting

Notice is hereby given of Cooperative Group Chairmen Meeting of the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, June 20, 1978, Building 31, C Wing, Conference Room 9, Bethesda, Md. 20014.

This meeting will be open to the public from 11 a.m. to adjournment to discuss and review cooperative group clinical, operational, and procedural activities. Attendance by the public will be limited to space available.

For additional information, please contact Dr. Raymond B. Weiss, Chief, Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, National Institutes of Health, Room 803-C, Landow Building, Bethesda, Md. 20014.

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-11564 Filed 4-27-78; 8:45 am]

[4110-08]

VISION RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, June 22 and 23, 1978, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on Thursday, June 22, from 8:30 to 10 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. on June 22 until adjournment on June 23 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Chief, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A-25, telephone 301-496-5248, will furnish summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-06, telephone 301-496-5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health.)

Dated: April 21, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-11565 Filed 4-27-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Public Hearings

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming public hearings being held by the National Advisory Council on Bilingual Education. It outlines the procedures to be observed during the public hearings. Notice of these meetings 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.

DATES: May 18, 1978: Public hearings, 9 a.m. until 5 p.m. May 19, 1978: Public hearings, 9 a.m. until 2 p.m.

ADDRESS: Office of Education Regional Building (Region V), 300 South Wacker Drive, Chicago, Ill. 60606.

FOR FURTHER INFORMATION CONTACT:

Dr. Gloria V. Becerra, Program Delegate, Office of Bilingual Education, Reporter's Building, Room 421, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-447-9227.

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

May 18th and 19th, 1978. Consonant with the Council's charge to provide advice on matters relating to the administration of the Bilingual Education Act, testimony will be heard on the following topics: (1) Program Issues; (2) Legislation; and (3) Evaluation and Research.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis;

(2) Witnesses shall limit their testimony to twenty minutes: ten to fifteen minutes of formal presentation followed by five to ten minutes of questioning from Council members;

(3) Two or more persons from the same organization shall designate one person to speak for the group;

(4) Witnesses shall present a written synopsis of their oral presentation. Witnesses who do not provide such a synopsis will be heard after all who have written synopses are heard;

(5) Witnesses who have testified at previous hearings will be heard after all others;

(6) Witnesses may address the Council in either English or in their native language. The written synopsis of the oral presentation must be submitted in English. Witnesses who have chosen to give testimony in their native language may submit their written synopsis in that language in addition to their synopsis in English; and

(7) All testimony shall be tape recorded.

Records will be kept of all Council proceedings and shall be available for public inspection 14 days after the meeting in Room 421, Reporter's Building, 300 7th Street SW., Washington, D.C. 20202. In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C., on April 24, 1978.

GLORIA V. BECERRA,
Program Delegate,
Office of Bilingual Education.

[FR Doc. 78-11579 Filed 4-27-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Program Committee of the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: May 6, 1978, 9 a.m. to 5 p.m.

ADDRESS: 1832 M Street NW., Suite 821, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Eva Freund, National Advisory Council on Women's Educational Programs. 1832 M Street NW., Suite 821, Washington, D.C. 20036, 202-653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, Section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Pub. L. 93-380. The meeting of the Program Committee will take place on May 6, 1978 from 9 a.m. to 5 p.m. The agenda will include discussion of a revised questionnaire for WEEA project directors, discussion of format for Council member site visit reports and identification of sites to be used for data gathering.

The meeting will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the Council office at 1832 M Street NW., Suite 821, Washington, D.C.

Signed at Washington, D.C. on April 24, 1978.

JOY R. SIMONSON,
Executive Director.

[FR Doc. 78-11580 Filed 4-27-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL OF WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: May 15, 1978, 9 a.m. to 5 p.m.

ADDRESS: 1832 M Street NW., Suite 821, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Kathleen Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Suite 821, Washington, D.C. 20036, 202-653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, Section 408(f)(1). The Council is mandated to: (a) Advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of Program priorities; and (f) disseminate information concerning its activities under Section 408 of Pub. L. 93-380.

The meeting of the Executive Committee will take place on May 15, 1978, from 9 a.m. to 5 p.m. The agenda will include discussion of project plans for the remainder of fiscal year 1978 and discussion of the fiscal year 1980 budget request.

The meeting will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the Council office at 1832 M Street NW., Washington, D.C.

Signed at Washington, D.C., on April 25, 1978.

JOY R. SIMONSON,
Executive Director.

[FR Doc. 78-11581 Filed 4-27-78; 8:45 am]

[4110-83]

Public Health Service

Health Resources Administration

ALLIED HEALTH PROJECT GRANTS

Application Announcement

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 Project Grants for Allied Health are now being accepted under the authority of section 796 of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 796 includes authority for grants to eligible public and private nonprofit entities to support planning, developing, demonstrating, operating, and evaluating a wide range of projects in allied health dealing with establishment of regional or State systems to coordinate and manage allied health educational programs, recruitment, training and retraining of allied health personnel, and establishment of career ladders for practicing allied health professionals. At least 50 percent of funds available must be awarded to training centers for allied health professions.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, 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, Bureau of Health Manpower, Health Resources Administration, at the above address no later than June 1, 1978.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, 3700 East-West Highway, Hyattsville, Md. 20782, phone: 301-436-6800 or 436-6805.

Dated: April 19, 1978.

HENRY A. FOLEY,
Administrator,
Health Resources Administration.

[FR Doc. 78-11358 Filed 4-27-78; 8:45 am]

[4110-83]

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION GRANTS

Application Announcement

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants for graduate programs in health administration are now being accepted under the authority of section 791 of the Health Professionals Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 791 authorizes grants to public or nonprofit private educational entities (excluding schools of public health) to support graduate educational programs in health administration, hospital administration, and health planning. Each program for which support is requested must be accredited by an accrediting body or bodies approved for such purpose by the Commissioner of Education, DHEW.

Each application must contain assurances that, in the 1979-80 school year, at least 25 individuals will graduate from the programs for which support is requested, and that the applicant shall expend or obligate at least $100,000 from non-Federal sources for such programs.

Each applicant also must assure that it will maintain a first-year, full-time enrollment beginning in 1978-79 which exceeds the enrollment in 1976-77 by 5 percent, if such number was not more than 100, or by 2.5 percent, or 5 students, whichever is greater, if enrollment was more than 100.

Each applicant must provide an institutional plan for activities to be pursued in developing, expanding, or enriching the program in special areas specified in the application instructions.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, 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, Bureau of Health Manpower, Health Resources Administration, at the above address no later than May 15, 1978.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6800.

Dated: April 19, 1978.

HENRY A. FOLEY,
Administrator,
Health Resources Administration.

[FR Doc. 78-11361 Filed 4-27-78; 8:45 am]

[4110-83]

GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

Application Announcement for Grants for Traineeships

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants for traineeships for graduate programs in health administration are now being accepted under the authority of section 749 of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 749 authorizes grants to public or nonprofit private educational entities (excluding schools of public health) with accredited programs in health administration, hospital administration, or health policy analysis and planning.

Of the amount received by a grantee, at least 80 percent shall go to students with previous post-baccalaureate degrees or 3 years' work experience in health services. Traineeships may include the payment of stipends, tuition, and fees.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, 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, Bureau of Health Manpower, Health Resources Administration, at the above address no later than May 15, 1978.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6800.

Dated: April 19, 1978.

HENRY A. FOLEY,
Administrator,
Health Resources Administration.

[FR Doc. 78-11360 Filed 4-27-78; 8:45 am]

[4110-83]

HEALTH PROFESSIONS AND NURSING STUDENT LOANS

"Low-Income Levels" for Loan Repayment

This notice updates the income levels that are used to define a "low-income family" for purposes of repayment of educational loans under sections 741(1) and 836(j) of the Public Health Service Act. Under sections 741(1) and 836(j) and the applicable program regulations, the Secretary of Health, Education, and Welfare may repay all or part of an individual's educational loans made after November 17, 1971, to meet the costs of attending a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or nursing if the Secretary determines that the individual:

(1) Failed after November 17, 1971, to complete the health professions studies leading to the individual's first professional degree or to complete the specified nursing studies for which the loan(s) was made;

(2) Is in exceptionally needy circumstances;

(3) Is from a low-income or disadvantaged family; and

(4) Has not resumed or cannot reasonably be expected to resume the course of study within 2 years following the date the individual ended the studies.

Sections 57.217(c) and 57.317(c) of the applicable program regulations (42 CFR Part 57, Subparts C and D) required the Secretary to publish annually in the FEDERAL REGISTER the low-income levels which will be used in determining an applicant's eligibility for this repayment program. Aside from their use in determining whether an individual comes from a "low-income family," these income levels, together with other relevant factors such as value of assets, unusual expenses, income available to the individual, etc., are also considered in determining whether an individual is "in exceptionally needy circumstances" or is from a "disadvantaged family."

The income figures below were taken from low-income levels, published by the U.S. Bureau of the Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal programs, then multiplied by a factor of 1.3 for adaptation to the health professions and nursing student loan programs. They have been updated to reflect increases in the Consumer Price Index through December 31, 1977.

Size of parents' family (includes only dependents listed on Federal income tax forms):	Income level* (adjusted gross income for calendar year 1977)
1	$4,100
2	5,300
3	6,300
4	8,100
5	9,500
6 or more	10,700

*Rounded to $100.

Dated: April 14, 1978.

HENRY A. FOLEY,
Administrator.

[FR Doc. 78-11357 Filed 4-27-78; 8:45 am]

[4110-83]

STUDENTS IN SCHOOLS OF PUBLIC HEALTH

Application Announcement for Grants for Traineeships

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants for traineeships for students in schools of public health are now being accepted under the authority of section 748 of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484) as amended by Pub. L. 95-215.

Grants will be awarded to accredited schools of public health for traineeships for their students. Of the amount received by a grantee in fiscal year 1978, at least 45 percent shall go to students with previous post-baccalaureate degrees or 3 years' work experience in health services and who are pursuing a course of study in:

(1) Biostatistics or epidemiology;

(2) Health administration, health planning, or health policy analysis and planning;

(3) Environmental or occupational health;

(4) Dietetics or nutrition; or

(5) Preventive medicine or dentistry.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, 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, Bureau of Health Manpower, Health Resources Administration, at the above address no later than May 15, 1978.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6800.

Dated: April 19, 1978.

HENRY A. FOLEY,
Administrator,
Health Resources Administration.

[FR Doc. 78-11359 Filed 4-27-78; 8:45 am]

[4110-83]

TRAINEESHIPS (SHORT-TERM TRAINING INSTITUTES) FOR ADVANCED TRAINING OF ALLIED HEALTH PERSONNEL

Application Announcement for Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1978 grants for traineeships for advanced training of allied health personnel (short-term training institutes) are now being accepted under the authority of section 797 of the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484).

Section 797 authorizes traineeship grants to public and nonprofit entities offering programs for the advanced training of allied health personnel to enable them to serve in teaching, administrative or supervisory positions. Short-term training institutes must be at least 2½ days in length and offer a minimum of 18 contact hours of instruction. Traineeships cover the cost of tuition, fees and stipends for the trainees.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, 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, Bureau of Health Manpower, Health Resources Administration, at the above address no later than June 1, 1978.

Should additional programmatic information be required, please contact:

Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, 3700 East-West Highway, Hyattsville, Md. 20782, phone 301-436-6800.

Dated: April 19, 1978.

HENRY A. FOLEY,
Administrator,
Health Resources Administration.

[FR Doc. 78-11362 Filed 4-27-78; 8:45 am]

[4110-85]

ASSISTANT SECRETARY FOR HEALTH, ET AL.

Indian Health Scholarship Program; Delegation of Authority

Notice is hereby given that the following delegations and redelegations of authority have been made regarding the Indian Health Scholarship Program under section 757 of the Public Health Service Act (42 U.S.C. 294y-1), as established by Pub. L. 95-83.

1. Delegation by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, with authority to redelegate, the authorities vested in the Secretary under section 757 (a) and (b) of the Public Health Service Act, excluding the authority to promulgate regulations.

2. Delegation by the Assistant Secretary for Health to the Deputy Assistant Secretary for Health—Programs, with authority to redelegate, the authorities under sections 757 (a) and (b) of the Public Health Service Act, excluding the authority to promulgate regulations.

3. Delegation by the Deputy Assistant Secretary for Health—Programs to the Administrator, Health Services Administration, with authority to redelegate, the authorities under section 757 (a) and (b) of the Public Health Service Act, excluding the authority to promulgate regulations.

4. Delegation by the Acting Administrator, Health Services Administration, to the Director, Indian Health Service, with authority to redelegate, the authorities under sections 757 (a) and (b) of the Public Health Service Act, excluding the authority to promulgate regulations.

The above authorities were effective on March 27, 1978.

Dated: April 18, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary
for Management and Budget.

[FR Doc. 78-11610 Filed 4-27-78; 8:45 am]

[4110-12]

Office of the Assistant Secretary for Planning and Evaluation

THEORETICAL PERSPECTIVES ON POVERTY AND SCHOOL CRIME

Notice of Program Results

Pursuant to section 606 of the Community Services Act of 1974, (Pub. 93-644) 42 U.S.C. 2946, this agency announces the results of an HEW project entitled "Theoretical Perspectives on Poverty and School Crime."

The objective of this project was the explanation, from diverse fields, of the causes of school crime and its relationship to poverty. Fifty-two papers were

commissioned, mainly, but not entirely, from authors in academic institutions. In the opinion of the research staff of the National Council on Crime and Delinquency (NCCD), the prime contractor, the collected papers make a considerable contribution to understanding the issues involved in school crime. While almost all of the papers address the problem of crime occurring in the schools, many also address the role of the school in fostering crime and delinquency both in the school and society at large.

Note that this project purposefully avoided cataloging school anti-crime programs as well as scientific explanations for the problems involved in school crime because other projects have addressed these issues. However, many of the papers do provide insights into anti-crime programs.

A selection of paper titles follows:

"The Mass Media and School Crime"
"Deviant Subcultures and the Schools"
"Scholastic Experiences, Self-Esteem and Delinquent Behavior"
School Violence and the Social Organization of High Schools"
"Crime and Punishment in the Schooling Process: A Historical Analysis"
"Poverty and Delinquency: A Theoretical Review"

The report is in two volumes, Vol. 1 contains the 40 best papers as selected by NCCD (1,564 pages). Vol. II contains an additional 12 papers deemed to be of lesser interest (290 pages). The report will be available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. The report will not be available through HEW. However, this office expects to prepare a brief summary of the major ideas of the report in the future.

Dated: April 20, 1978.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc. 11609 Filed 4-27-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. FI 4113]

NATIONAL FLOOD INSURANCE PROGRAM

Communities With Flood-Prone Areas Subject to Section 202(A) Prohibition of Federal and Federally Related Assistance

AGENCY: Federal Insurance Administration, Department of Housing and Urban Development.

ACTION: Notice

SUMMARY: The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the FEDERAL REGISTER at 42 FR 57066 and all prior lists.

DATES: Section 202(a) applies to the community as of 1 year after the initial date appearing in the last column on each page of this list.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Section 202(A) provides that effective July 1, 1975, Federal agencies are prohibited from providing financial assistance or making loans for acquisition or construction of buildings in areas which: (a) Have been designated by the Secretary of Housing and Urban Development as special flood hazard areas for at least 1 year; and (b) are in communities which are not participating in the national flood insurance program (42 U.S.C. 4001-4128). Special flood hazard areas are designated as zones A or V on Federal Insurance Administration flood hazard boundary maps (FHBM's) or flood insurance rate maps (FIRM's) and may have a numbered suffix indicating the flood hazard zones, for example A1-99 to V1-30.

Each of the communities listed below received notice of its designation as flood prone prior to October 1, 1977, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the national flood insurance program. Thus, the sanctions of section 202(a) apply as of July 1, 1975, or 1 year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal financial assistance or lending for insurable structures in its special flood hazard area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1925). Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.6 List of eligible communities. At that time the sanctions of section 202(a) will no longer apply to the communities listed below.

ALABAMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
010095	AKRON, TOWN (HALE CO)	JULY 18, 1975
010229	ALLGOOD, TOWN (BLOUNT CO)	JANUARY 24, 1975
010306	ARDMORE, TOWN (LIMESTONE COUNTY)	DECEMBER 17, 1976
010242	BABBIE, TOWN (COVINGTON CO)	JANUARY 10, 1975
010352	BEAR CREEK, TOWN OF (MARION CO.)	JUNE 18, 1976
010083A	BELK, TOWN OF (FAYETTE CO.)	SEPTEMBER 13, 1974
010257	BLACK, TOWN OF (GENEVA COU)	FEBRUARY 07, 1975
010092	BOLIGEE, CITY OF (GREENE CO.)	DECEMBER 13, 1974
010296A	BON AIR, TOWN (TALLADEGA CO)	MARCH 04, 1977
010055A	BRANTLEY, TOWN OF (CRENSHAW CO.)	JUNE 28, 1974 AND JUNE 04, 1976
010342	BRILLIANT, TOWN (MARION CO)	JULY 15, 1977
010347	BURNDIDGE, TOWN (PIKE CO)	OCTOBER 22, 1976
010119A	CARDIFF, TOWN OF (JEFFERSON CO.)	SEPTEMBER 20, 1974 AND JANUARY 23, 1976
010240	CAROLINA, TOWN (COVINGTON CO)	JANUARY 10, 1975
010228	CLEVELAND, TOWN (BLOUNT CO)	MARCH 05, 1976
010239A	COFFEE COUNTY *	JANUARY 17, 1975 AND JANUARY 13, 1978
010244	COVINGTON COUNTY *	DECEMBER 13, 1974
010367	CROSSVILLE, TOWN OF (PIKE CO.)	OCTOBER 29, 1976
010350A	DOUBLE SPRINGS, TOWN OF (WINSTON)	JANUARY 28, 1977
010056A	DOZIER, TOWN OF (CRENSHAW CO.)	SEPTEMBER 20, 1974
010281A	ETHELSVILLE, TOWN (PICKENS CO)	FEBRUARY 25, 1977
010027	FIVE POINTS, TOWN OF (CHAMBERS CO.)	NOVEMBER 15, 1974
010354	FLINT CITY, TOWN OF (MORGAN CO.)	NOVEMBER 26, 1976
010007A	FOLEY, TOWN (BALDWIN CO)	NOVEMBER 26, 1976
010236	FRUITHURST, CITY (CLEBURNE CO)	OCTOBER 15, 1976
010038	FULTON, TOWN (CLARKE CO)	JULY 18, 1975
010355	FYFFE, TOWN OF (DEKALB CO.)	JULY 02, 1976
010295	GAINESVILLE, TOWN (SUMTER CO)	OCTOBER 15, 1976
010053A	GANTT, TOWN OF (COVINGTON CO.)	JUNE 07, 1974 AND JANUARY 02, 1976
010258	GENEVA COUNTY	FEBRUARY 20, 1976
010034	GILBERTOWN, TOWN (CHOCTAW CO)	OCTOBER 15, 1976
010057A	GLENWOOD, TOWN OF (CRENSHAW CO.)	SEPTEMBER 20, 1974
010152	GURLEY, TOWN (MADISON CO)	APRIL 16, 1976
010293	HARPERSVILLE, TOWN (SHELBY CO)	APRIL 11, 1975
010294A	HELENA, TOWN (SHELBY CO)	JANUARY 10, 1975 AND FEBRUARY 13, 1976
010357	HENAGAR, TOWN OF (DEKALB CO.)	MARCH 12, 1976
010305	HILLSBORO, TOWN (LAWRENCE CO.)	OCTOBER 01, 1976
010338	KILLEN, TOWN (LAUDERDALE CO)	JUNE 18, 1976
010324A	LAWRENCE COUNTY *	MAY 13, 1977
010235	LEESBURG, CITY (CHEROKEE COUNTY)	OCTOBER 15, 1976
010358	LEXINGTON, TOWN OF (LAUDERDALE CO.)	OCTOBER 15, 1976
010359	MENTONE, TOWN OF (DEKALB CO.)	JULY 02, 1976
010207	MILLRY, TOWN (WASHINGTON, CITY)	NOVEMBER 12, 1976
010349A	MONTEVALLO, TOWN (SHELBY CO)	JANUARY 28, 1977
010175A	MORGAN COUNTY	MARCH 11, 1977
010264	MORRIS, TOWN OF (JEFFERSON CO.)	OCTOBER 08, 1976
010232	OHATCHEE, TOWN OF (CALHOUN CO)	JANUARY 31, 1975
010245A	PETREY, TOWN (CRENSHAW COUNTY)	FEBRUARY 25, 1977
010333	PHIL CAMPBELL, TOWN (FRANKLIN CO)	OCTOBER 29, 1976
010360	PISGAH, TOWN OF (JACKSON CO.)	MARCH 12, 1976
010075	POLLARD, TOWN OF (ESCAMBIA CO)	JANUARY 31, 1975
010159	PROVIDENCE, TOWN OF (MARENGO CO.)	NOVEMBER 01, 1974
010182	RANDOLPH COUNTY *	SEPTEMBER 13, 1974 AND JANUARY 20, 1978
010334	RED BAY, CITY (FRANKLIN CO)	DECEMBER 10, 1976
010243	RED LEVEL, TOWN (COVINGTON CO)	JANUARY 10, 1975
010253	REECE CITY, CITY OF (ETOWAH CO)	FEBRUARY 21, 1975
010348	ROANOKE, CITY (RANDOLPH CO)	JUNE 10, 1977
010222A	ROBERTSDALE, TOWN (BALDWIN CO)	JANUARY 28, 1977

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	ALABAMA—Continued	
010362	SECTION, TOWN OF (JACKSON CO.)	JUNE 25, 1976
010227	SNEAD, TOWN (BLOUNT CO)	JUNE 27, 1975
010363A	SOMERVILLE, TOWN OF (MORGAN CO.)	JUNE 04, 1976
010160A	SWEETWATER, TOWN (MARENGO CO)	JULY 18, 1975 AND DECEMBER 10, 1976
010364	SYLVANIA, TOWN OF (DEKALB CO.)	OCTOBER 29, 1976
010037A	TOXEY, TOWN (CHOCTAW CO)	FEBRUARY 18, 1977
010155	TRIANA, TOWN (MADISON CO)	JUNE 25, 1976
010292	VINCENT, TOWN (SHELBY CO)	APRIL 11, 1975
010365	VINEMONT, TOWN OF (CULLMAN CO.)	OCTOBER 01, 1976
010340	WATERLOO, TOWN (LAUDERDALE CO)	DECEMBER 17, 1976
010346	WILMER, TOWN (MOBILE CO)	OCTOBER 08, 1976
	TOTAL IN THE STATE 69	
	ALASKA	
020101A	AKIAK, CITY (UNORGANIZED BORO)	MAY 10, 1977
020030A	ALAKANUK, CITY (UNINCORPORATD BORO)	MAY 10, 1977
020031	AMBLER, CITY (UNINCORPORATD BORO)	DECEMBER 24, 1976
020046	GAMBELL, CITY OF (UNORGANIZED BORO.)	DECEMBER 24, 1976
020047	GOLOVIN, CITY OF (UNORGANIZED BOROUGH)	JULY 16, 1976
020108A	HOOPER BAY, CITY OF (UNORGANIZED BORO.)	JUNE 28, 1974 AND MARCH 11, 1977
020052	KAKE, CITY OF (UNORGANIZED BORO.)	DECEMBER 17, 1976
020058A	KOTLIK, CITY (UNINCORPORATD BORO)	MAY 10, 1977
020060	KOYUK, CITY OF (UNORGANIZED BORO.)	DECEMBER 24, 1976
020066A	NAPASKIAK, CITY OF (UNINC. BORO.)	MAY 10, 1977
020068	NIKOLAI, CITY OF (UNORGANIZED BORO.)	DECEMBER 24, 1976
020076A	RUSSIAN MISSN, CITY (UNINCORPORATD BORO)	MAY 10, 1977
020077A	SAINT MARY:S, CITY (UNINCORPORATD BORO)	MAY 10, 1977
020080A	SAVOONGA, CITY (UNINCORPORATD BORO)	MAY 10, 1977
020083	SHAKTOOLIK, CITY (UNINCORPORATD BORO)	MARCH 04, 1977
020086	STEBBINS, CITY OF (UNORGANIZED BORO.)	DECEMBER 24, 1976
020088	TELLER, CITY OF (UNORGANIZED BORO.)	DECEMBER 17, 1976
020090A	TOGIAK, CITY (UNINCORPORATD BORO)	MAY 10, 1977
020095	WALES, CITY OF (UNORGANIZED BOROUGH)	JULY 16, 1976
	TOTAL IN THE STATE 19	
	ARIZONA	
040028A	GILA COUNTY *	NOVEMBER 01, 1974 AND APRIL 08, 1977
	TOTAL IN THE STATE 1	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	ARKANSAS	
050377	ALEXANDER, TOWN OF (PULASKI & SALINE)	APRIL 18, 1975
050378	ALICIA, TOWN (LAWRENCE CO.)	JULY 11, 1975
050379	ALLPORT, TOWN (LONOKE CO.)	OCTOBER 29, 1976
050380	ALMYRA, TOWN (ARKANSAS CO.E)	AUGUST 15, 1975
050017A	ALPENA, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND OCTOBER 03, 1975
050381	ALTUS, CITY (FRANKLIN CO.)	JULY 25, 1975
050303	AMITY, CITY OF (CLARK CO)	FEBRUARY 21, 1975
050418A	ARKANSAS COUNTY	AUGUST 16, 1977
050382	ASH FLAT, TOWN (SHARP CO.)	JUNE 27, 1975
050123	AUBREY, TOWN OF (LEE CO.)	DECEMBER 06, 1974
050305	BARLING, CITY OF (SEBASTIAN)	FEBRUARY 14, 1975
050010A	BAXTER COUNTY	MAY 17, 1977
050386	BETHEL HEIGHTS, TOWN (BENTON CO.)	APRIL 25, 1975
050415	BISCOE, TOWN OF (PRARIE CO.)	NOVEMBER 26, 1976
050474	BODCAW, TOWN OF (NEVADA CO.)	NOVEMBER 19, 1976
050392	BONANZA, TOWN (SEBASTIAN CO.)	AUGUST 15, 1975
050016A	BOONE COUNTY	JUNE 17, 1977
050131	BRADFORD, CITY OF (WHITE CO)	FEBRUARY 21, 1975
050420A	BRADLEY COUNTY	AUGUST 23, 1977
050393	BRANCH, CITY (FRANKLIN CO.)	MAY 02, 1975
050394	BULL SHOALS, CITY (MARION CO.)	APRIL 25, 1975
050024A	CARROLL COUNTY	JUNE 14, 1977
050397	CAULKSVILLE, TOWN (LOGAN CO.)	JUNE 27, 1975
050313	CAVE CITY, CITY (INDEP.-SHARP COS)	JULY 18, 1975
050398	CAVE SPRINGS, CITY (BENTON CO.)	OCTOBER 29, 1976
050400A	CHIDESTER, CITY (OUACHITA CO)	JULY 25, 1975
050423A	CLAY COUNTY	AUGUST 16, 1977
050424A	CLEBURNE COUNTY	JUNE 07, 1977
050425A	COLUMBIA COUNTY	AUGUST 02, 1977
050426A	CONWAY COUNTY	JUNE 10, 1977
050402	COY, TOWN (LONOKE CO)	JUNE 25, 1976
050428A	CRAWFORD COUNTY *	JUNE 17, 1977
050056A	CROSS COUNTY	JUNE 07, 1977
050061A	DALLAS COUNTY	JUNE 17, 1977
050404	DAMASCUS, TOWN (FAULKNER + VAN BUREN COS.)	APRIL 18, 1975
050065B	DESHA COUNTY	MAY 17, 1977 AND NOVEMBER 29, 1977
050320	DIERKS, CITY OF (HOWARD)	FEBRUARY 14, 1975
050408	DYER, TOWN (CRAWFORD CO.)	JULY 11, 1975
050214	ELKINS, TOWN OF (WASHINGTON CO.)	DECEMBER 20, 1974
050019A	EVERTON, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND APRIL 09, 1976
050431A	FAULKNER COUNTY	JUNE 07, 1977
050433A	GARLAND COUNTY	AUGUST 02, 1977
050224A	GARNER, TOWN OF (WHITE CO.)	AUGUST 30, 1974 AND NOVEMBER 07, 1975
050434A	GRANT COUNTY	MAY 10, 1977
050246	GREERS FERRY, TOWN (CLEBURNE CO)	APRIL 23, 1976
050247	GRIFFITHVILLE, TOWN (WHITE CO)	SEPTEMBER 26, 1975
050248A	GUION, TOWN (IZARD CO)	APRIL 11, 1975
050249	GUM SPRINGS, TOWN (CLARK CO)	JUNE 27, 1975
050251	HARTMAN, TOWN (JOHNSON CO)	OCTOBER 29, 1976
050436A	HEMPSTEAD COUNTY	JUNE 03, 1977
050225A	HIGGINSON, TOWN OF (WHITE CO.)	AUGUST 16, 1974 AND JANUARY 09, 1976
050438A	HOWARD COUNTY *	JUNE 07, 1977
050120A	IMBODEN, TOWN (LAWRENCE CO)	MAY 03, 1974 AND OCTOBER 10, 1975
050090A	INDEPENDENCE COUNTY	MAY 24, 1977
050439A	IZARD COUNTY	JULY 12, 1977
050441A	JOHNSON COUNTY	AUGUST 02, 1977
050337	KIBLER, TOWN (CRAWFORD CO)	JUNE 25, 1976
050260	KNOXVILLE, TOWN OF (JOHNSON CO)	FEBRUARY 21, 1975
050443A	LAWRENCE COUNTY	JUNE 03, 1977

* UNINCORPORATED AREAS ONLY

ARKANSAS—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050445A	LINCOLN COUNTY	JUNE 28, 1977
050479A	LITTLE FLOCK, TOWN OF	JUNE 21, 1977
050339	LOCKESBURG, TOWN (SEVIER CO)	APRIL 18, 1975
050448A	LONOKE COUNTY	AUGUST 16, 1977
050341	LONOKE, CITY (LONOKE CO)	MARCH 26, 1976
050262	LOUANN, TOWN (OUACHITA CO)	NOVEMBER 05, 1976
050449A	MADISON COUNTY	JUNE 14, 1977
050450	MARION COUNTY	SEPTEMBER 06, 1977
050347	MARSHALL, CITY (SEARCY CO)	APRIL 25, 1975
050170	MARVELL, CITY (PHILLIPS CO)	MARCH 12, 1976
050343	MCNEIL, CITY (COLUMBIA CO)	MAY 02, 1975
050348	MELBOURNE, CITY (IZARD CO)	APRIL 11, 1975
050266	MENIFEE, TOWN (CONWAY CO)	APRIL 25, 1975
050069	MITCHELLVILLE, TOWN OF (DESHA CO.)	NOVEMBER 08, 1974
050154A	MONROE COUNTY	JUNE 21, 1977
050095	MOUNT PLEASANT, TOWN OF (IZARD CO.)	NOVEMBER 22, 1974
050352	MOUNTAIN VIEW, CITY (STONE CO)	JUNE 27, 1975
050051A	MOUNTAINBURG, TOWN OF (CRAWFORD CO.)	MAY 03, 1974 AND NOVEMBER 28, 1975
050354	MULBERRY, CITY (CRAWFORD CO)	NOVEMBER 26, 1976
050454A	NEVADA COUNTY	AUGUST 09, 1977
050268	NORVELL, TOWN (CRITTENDEN CO)	AUGUST 15, 1975
050270	OGDEN, TOWN (LITTLE RIVER CO)	SEPTEMBER 19, 1975
050161	OUACHITA COUNTY	SEPTEMBER 13, 1977
050271	O:KEAN, TOWN (RANDOLPH CO)	APRIL 18, 1975
050007A	PARKDALE, CITY OF (ASHLEY CO.)	MARCH 29, 1974 AND OCTOBER 31, 1975
050275	PERLA, TOWN (HOT SPRINGS CO)	JUNE 25, 1976
050166A	PHILLIPS COUNTY	AUGUST 09, 1977
050363	PLAINVIEW, CITY (YELL CO)	APRIL 18, 1975
050364	PLUMERVILLE, CITY (CONWAY CO)	JUNE 27, 1975
050172A	POINSETT COUNTY	JUNE 07, 1977
050459A	PRAIRIE COUNTY *	JUNE 03, 1977
050279	PRATTSVILLE, TOWN (GRANT CO)	APRIL 25, 1975
050280	QUITMAN, TOWN (CLEBURNE CO)	APRIL 09, 1976
050460A	RANDOLPH COUNTY *	AUGUST 09, 1977
050281	RAVENDEN SPGS, TOWN (RANDOLPH CO)	JULY 23, 1976
050470	RAVENDEN, TOWN OF (LAWRENCE CO.)	APRIL 02, 1976
050478	READER, TOWN OF (OUACHITA CO.)	JUNE 03, 1977
050040A	RISON, CITY OF (CLEVELAND CO.)	MARCH 08, 1974 AND OCTOBER 10, 1975
050475	ROSSTON, TOWN OF (NEVADA CO.)	FEBRUARY 18, 1977
050191A	SALINE COUNTY	AUGUST 09, 1977
050286	SCRANTON, TOWN (LOGAN CO)	APRIL 18, 1975
050462A	SEBASTIAN COUNTY *	MAY 31, 1977
050464A	SHARP COUNTY *	JUNE 21, 1977
050287	SHIRLEY, TOWN (VAN BUREN CO)	AUGUST 13, 1976
050184A	ST. FRANCIS COUNTY *	JUNE 28, 1977
050290	SULPHUR ROCK, TOWN (INDEPENDENCE CO)	APRIL 25, 1975
050292	THORNTON, TOWN (CALHOUN CO)	JULY 25, 1975
050296	VIOLA, TOWN (FULTON CO)	APRIL 09, 1976
050212A	WASHINGTON COUNTY	MAY 10, 1977
050374	WHEATLEY, TOWN (ST. FRANCIS CO)	SEPTEMBER 19, 1975
050467A	WHITE COUNTY *	JUNE 07, 1977
050298	WICKES, TOWN (POLK CO)	JUNE 27, 1975
050299	WILTON, TOWN (LITTLE RIVER CO)	APRIL 11, 1975
050077A	WINCHESTER, TOWN OF (DREW CO.)	AUGUST 30, 1974 AND OCTOBER 10, 1975

TOTAL IN THE STATE 113

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	CALIFORNIA	
060003	ALBANY, CITY (ALMEDA CO)	NOVEMBER 19, 1976
060015A	AMADOR COUNTY	JUNE 07, 1977
		OCTOBER 08, 1976
060271	BARSTOW, CITY (SAN BERNARDINO CO)	JANUARY 17, 1975
060066	BRAWLEY, CITY (IMPERIAL CO)	JUNE 18, 1976
060017	BUTTE COUNTY *	SEPTEMBER 06, 1974 AND
		DECEMBER 27, 1977
060044A	CLOVIS, CITY OF (FRESNO CO.)	AUGUST 23, 1977
060249	COACHELLA, CITY OF (RIVERSIDE CO.)	MAY 17, 1974
060110A	COMMERCE, CITY OF (LOS ANGELES CO.)	JUNE 28, 1974
060197	DEL REY OAKS, CITY (MONTEREY CO)	MAY 14, 1976
060643	DORRIS COUNTY *	MAY 24, 1974
060040	EL DORADO COUNTY *	AUGUST 02, 1974
060445A	FERNDALE, CITY (HUMBOLDT CO.)	DECEMBER 20, 1974 AND
		MARCH 26, 1976
060063A	FORTUNA, CITY OF (HUMBOLDT CO.)	JULY 19, 1977
060255A	INDIO, CITY OF (RIVERSIDE CO.)	MAY 31, 1974 AND
		AUGUST 08, 1975
060448	JACKSON, CITY (AMADOR CO)	JUNE 25, 1976
060361	LOYALTON, CITY (SIERRA CO)	JUNE 04, 1976
060451	MONTAGUE, TOWN (SISKIYOU CO)	MARCH 26, 1976
060210A	NEVADA COUNTY *	SEPTEMBER 06, 1977
060239A	PLACER COUNTY	JULY 12, 1977
060455	PLYMOUTH, CITY (AMADOR CO)	NOVEMBER 19, 1976
060267A	SAN BENITO COUNTY	AUGUST 02, 1977
060435	SAND CITY, CITY (MONTEREY CO)	DECEMBER 03, 1976
060056A	SELMA, CITY OF (FRESNO CO.)	MAY 24, 1974
060436	TRINIDAD, TOWN (HUMBOLDT CO)	MAY 14, 1976
	TOTAL IN THE STATE 24	
	COLORADO	
080229	AGUILAR, TOWN OF (LAS ANIMAS CO.)	JULY 11, 1975
080148A	BOONE, TOWN OF (PUEBLO CO.)	SEPTEMBER 06, 1974 AND
		JANUARY 09, 1976
080210	COAL CREEK TOWN (FREMONT CO)	AUGUST 15, 1975
080006B	COMMERCE CITY, CITY OF (ADAMS CO.)	JUNE 28, 1974 AND
		JULY 11, 1975
080041A	DELTA COUNTY	MAY 10, 1977
080120A	DINOSAUR, TOWN OF (MOFFAT CO.)	AUGUST 30, 1974
080047A	DOVE CREEK, TOWN OF (DOLORES CO.)	MAY 24, 1974 AND
		NOVEMBER 28, 1975
080056A	ELIZABETH, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND
		FEBRUARY 06, 1976
080212	EMPIRE, TOWN OF (CLEAR CREEK CO.)	MAY 02, 1975
085074C	ENGLEWOOD, CITY OF (ARAPAHOE CO.)	FEBRUARY 09, 1972
080073A	FRASER, TOWN OF (GRAND CO.)	SEPTEMBER 06, 1974
080131	FT. MORGAN, CITY (MORGAN CO)	OCTOBER 29, 1976
080075A	GILPIN COUNTY	JUNE 10, 1977
080117A	GRAND JUNCTION, CITY OF (MESA CO.)	FEBRUARY 01, 1974 AND
		JUNE 28, 1974
080214A	GRAND LAKE TOWN (GRAND CO)	AUGUST 15, 1975 AND
		SEPTEMBER 17, 1976
080215	GRAND VALLEY TOWN (GARFIELD CO)	AUGUST 13, 1976
080074A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO.)	NOVEMBER 22, 1974
080044A	HOTCHKISS, TOWN OF (DELTA CO.)	JUNE 21, 1974 AND
		SEPTEMBER 17, 1976
080207	ILIFF, TOWN OF (LOGAN CO.)	DECEMBER 27, 1974
080057A	KIOWA, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND
		FEBRUARY 27, 1976
080033	KIT CARSON, TOWN OF (CHEYENNE CO.)	DECEMBER 13, 1974
080105	LAS ANIMAS COUNTY *	SEPTEMBER 01, 1977
080253A	MANASSA TOWN (CONEJOS CO)	AUGUST 08, 1975 AND
		JULY 16, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	COLORADO—Continued	
080256	NEW CASTLE TOWN (GARFIELD CO)	JULY 25, 1975
080127A	NUCLA, TOWN OF (MONTROSE CO.)	MAY 24, 1974 AND MARCH 26, 1976
080258A	ORCHARD CITY CITY (DELTA CO)	MAY 27, 1977
080178A	OTIS, TOWN OF (WASHINGTON CO.)	MAY 24, 1974 AND OCTOBER 31, 1975
080170	OVID, TOWN OF (SEDGWICK CO.)	NOVEMBER 15, 1974
080198	PALISADE, TOWN (MESA CO)	AUGUST 13, 1976
085077A	PUEBLO, CITY OF (PUEBLO CO.)	AUGUST 24, 1973
080260	REDCLIFF TOWN (EAGLE CO)	SEPTEMBER 19, 1975
080221	ROCKVALE TOWN (FREMONT CO)	JUNE 27, 1975
080150	RYE, TOWN (PUEBLO CO)	JULY 18, 1975
080164	SAGAUCHE, TOWN (SAGAUCHE CO)	MAY 28, 1976
080223	SILT TOWN (GARFIELD CO)	JULY 25, 1975
080200	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER 13, 1974
080058	SIMLA, TOWN OF (ELBERT CO.)	SEPTEMBER 13, 1974
080106A	STARKVILLE, TOWN OF (LAS ANIMAS CO.)	SEPTEMBER 06, 1974 AND JANUARY 23, 1976
080226	VICTOR CITY (TELLER CO)	MAY 02, 1975
080264	WINDSOR TOWN (WELD CO)	MARCH 26, 1976
	TOTAL IN THE STATE 40	
	CONNECTICUT	
090157A	LEDYARD, TOWN OF (NEW LONDON CO)	MAY 27, 1977
090156	SALEM, TOWN OF (NEW LONDON CO)	FEBRUARY 21, 1975
	TOTAL IN THE STATE 2	
	DELAWARE	
100010B	HARRINGTON, CITY OF (KENT CO.)	MAY 17, 1974 AND DECEMBER 19, 1975
100014A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST 09, 1974 AND JANUARY 09, 1976
100044A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
	TOTAL IN THE STATE 3	
	FLORIDA	
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER 13, 1974
120016A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST 30, 1974
120086	BUNNELL, TOWN (FLAGLER CO)	JULY 11, 1975
120126A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER 06, 1974 AND JANUARY 30, 1976
120574	DUNNELLON, CITY OF (MARION CO.)	AUGUST 26, 1977
120319A	FREEPORT, CITY (WALTON CO)	OCTOBER 29, 1976
120411	HAVANA, TOWN OF (GADSEDEN CO.)	JULY 23, 1976
120390	LAKE WALES, CITY OF (POLK CO.)	OCTOBER 17, 1975
120570	MARINELAND, TOWN OF (FLAGLER CO.)	JULY 08, 1977
120575A	MCINTOSH, TOWN OF (MARION CO.)	MAY 27, 1977
120344	MICANOPY, TOWN OF (ALACHUA CO.)	APRIL 16, 1976
120365	MONTICELLO, CITY OF (JEFFERSON CO.)	JULY 23, 1976
120571A	PAINTERS HILL, TOWN OF (FLAGLER CO.)	AUGUST 05, 1977
120413	WEEKEWACHEE, CITY OF (HERNANDO CO.)	JULY 23, 1976
120381A	WINDERMERE, TOWN OF (ORANGE CO.)	APRIL 22, 1977
	TOTAL IN THE STATE 15	

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	GEORGIA			
130235A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE	14, 1974	AND
		JANUARY	23, 1976	
130360	AILEY, TOWN (MONTGOMERY CO.)	APRIL	04, 1975	
130394A	ANDERSONVILLE, VILLAGE (SUMPTER CO.)	APRIL	29, 1977	
130001	APPLING COUNTY	MARCH	12, 1976	
130390	AVALON, TOWN (STEPHENS CO.)	APRIL	16, 1976	AND
		APRIL	16, 1976	
130270A	BAKER COUNTY *	MARCH	28, 1975	AND
		DECEMBER	26, 1975	
130005A	BALDWIN COUNTY	MAY	27, 1977	
130115	BARTOW, CITY (JEFFERSON CO)	AUGUST	22, 1975	
130309A	BELLVILLE, CITY (EVANS CO.)	JULY	18, 1975	
130179	BLAIRSVILLE, TOWN (UNION CO)	JUNE	11, 1976	
130362	BOSTWICK, TOWN (MORGAN CO.)	APRIL	04, 1975	
130343	BRASELTON, CITY OF (JACKSON CO.)	APRIL	18, 1975	
130268	BRINSON, TOWN (COLQUITT CO.)	JULY	18, 1975	
130364	BUCKHEAD, TOWN (MORGAN CO.)	JULY	11, 1975	
130323	BUFORD, CITY (GWINNETT + HALL COS.)	APRIL	04, 1975	
130257	CENTRALHATCHEE, TOWN OF (HEARD CO.)	JULY	08, 1977	
130292	CHARLTON COUNTY	MAY	14, 1976	
130036	CHATTOOGA COUNTY	MARCH	26, 1976	
130418	CLEVELAND, CITY (WHITE CO.)	APRIL	11, 1975	
130398	COBBTOWN, CITY (TATTNALL CO.)	APRIL	11, 1975	
130135A	COLQUITT, CITY (MILLER CO)	JULY	23, 1976	AND
		SEPTEMBER	24, 1976	
130169	COOLIDGE, CITY (THOMAS CO)	APRIL	02, 1976	
130341	CORINTH, TOWN (HEARD + COWETA COS.)	JULY	08, 1977	
130304	DAWSON COUNTY	JUNE	18, 1976	
130356	DEARING, TOWN (MCDUFFIC CO.)	APRIL	04, 1975	
130330	DEMOREST, TOWN (HABERSHAM CO.)	APRIL	04, 1975	
130446A	DILLARD, TOWN OF (RABUN CO.)	JUNE	04, 1976	
130305	DOUGLASVILLE, CITY (DOUGLAS CO.)	APRIL	25, 1975	
130359	FORSYTH, CITY (MONROE CO.)	APRIL	11, 1975	
130428	FORT OGLETHORPE, CITY OF (MACON CO.)	APRIL	04, 1975	
130313	FRANKLIN SPRINGS, CITY (FRANKLIN CO.)	APRIL	04, 1975	
130023A	GIRARD, TOWN OF (BURKE CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	23, 1976	
130419	GLENWOOD, CITY (WHEELER CO.)	APRIL	04, 1975	
130096A	GRADY COUNTY	JUNE	17, 1977	
130325	GRAYSON, TOWN (GWINNETT CO.)	JULY	11, 1975	
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER	20, 1974	
130456	GUYTON, TOWN OF (EFFINGHAM CO.) (EFFINGHAM CO.)	JULY	01, 1977	
130311A	HAGAN, CITY (EVANS CO.)	APRIL	18, 1975	AND
		JANUARY	23, 1976	
130299	HARALSON, TOWN (COWETA + MERRIWEATHER COS.)	APRIL	18, 1975	
130338	HARRIS COUNTY	APRIL	16, 1976	AND
		APRIL	16, 1976	
130105	HEARD COUNTY	APRIL	09, 1976	
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER	06, 1974	AND
		OCTOBER	17, 1975	
130385	HILLTONIA, TOWN (SCREVEN CO.)	APRIL	11, 1975	
130221A	HIRAM, CITY OF (PAULDING CO.)	OCTOBER	18, 1974	AND
		JANUARY	23, 1976	
130447A	HIWASSEE, TOWN OF (TOWNS CO.)	JUNE	11, 1976	
130291	HOMELAND, TOWN (CHARLTON CO.)	APRIL	11, 1975	
130271	HOMER, TOWN (BANKS COUNTY)	APRIL	18, 1975	
130345	JACKSON COUNTY	APRIL	23, 1976	
130375	JASPER, CITY (PICKENS CO.)	APRIL	11, 1975	
130412	JERSEY, TOWN (WALTON CO.)	JULY	23, 1976	
130434	JONES COUNTY	MAY	27, 1977	
130277	KINGSTON, CITY (BARTOW CO)	APRIL	18, 1975	
130409	LINWOOD, TOWN (WALKER CO.)	APRIL	04, 1975	
130326	LOGANVILLE, CITY (GWINNETT + WALTON COS.)	APRIL	04, 1975	
130441	LOUISVILLE, CITY (JEFFERSON CO.)	AUGUST	15, 1975	

* UNINCORPORATED AREAS ONLY

GEORGIA—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130354	LUMPKIN COUNTY	APRIL 02, 1976
130224	MADISON, CITY OF (MORGAN CO)	FEBRUARY 21, 1975
130392B	MARTIN, TOWN (STEPHENS CO)	APRIL 04, 1975 AND MAY 28, 1976
130342	MCDONOUGH, CITY (HENRY CO.)	MARCH 11, 1977
130357	MCDUFFIE COUNTY *	APRIL 11, 1975
130421	MCINTYRE, TOWN (WILKINSON CO.)	MARCH 26, 1976
130024	MIDVILLE, CITY (BURKE CO)	APRIL 11, 1975
130134A	MILLER COUNTY	JULY 11, 1975
130438	MITCHELL COUNTY *	JUNE 10, 1977
130376	MOLENA, CITY (PIKE CO.)	JULY 16, 1976
130138A	MONROE COUNTY	APRIL 11, 1975
130139	MONTGOMERY COUNTY	APRIL 01, 1977
130286	MOUNT ZION, TOWN (CARROLL CO.)	MARCH 19, 1976
130252A	MOUNTAIN CITY, TOWN (RABUN CO.)	JULY 01, 1977
130366	MURRAY COUNTY	JANUARY 17, 1975 AND OCTOBER 22, 1976
130353	NAYLOR, TOWN (LOWNDES CO.)	MAY 14, 1976
130161A	NEWINGTON, TOWN OF (SCREVEN CO.)	APRIL 25, 1975
130368	NORTH HIGH SHOALS, TOWN (OCONEE CO.)	SEPTEMBER 06, 1974
130269	OAK PARK, TOWN (EMANUEL CO.)	AUGUST 19, 1977
130189A	ODUM, CITY (WAYNE CO)	JULY 18, 1975
130370	OGLETHORPE COUNTY	JANUARY 03, 1975 AND DECEMBER 19, 1975
130367	OXFORD, TOWN (NEWTON CO.)	MAY 28, 1976
130457	PATTERSON, TOWN OF (PIERCE CO.) (PIERCE CO.)	APRIL 11, 1975
130149A	PICKENS COUNTY	JUNE 10, 1977
130151	PIERCE COUNTY *	DECEMBER 31, 1976
130378	PULASKI COUNTY	AUGUST 13, 1976
130284	PULASKI, TOWN (CANDLER, CO.)	JUNE 17, 1977
130267	RIVERSIDE, TOWN (COLQUITT CO.)	APRIL 04, 1975
130162A	ROCKY FORD, TOWN OF (SCREVEN CO.)	JULY 18, 1975
130363	RUTLEDGE, TOWN (MORGAN CO.)	SEPTEMBER 06, 1974
130439	SALE CITY, TOWN (MITCHELL CO.)	AUGUST 08, 1975
130168A	SCOTLAND, CITY OF (TELFAIR + WHEELER COS.)	APRIL 04, 1975
130301	SENOIA, CITY (COWETA CO.)	AUGUST 30, 1974
130382	SHELLMAN, CITY (RANDOLPH CO.)	APRIL 04, 1975
130339	SHILOH, CITY (HARRIS CO.)	JUNE 11, 1976
130349	SMITHVILLE, CITY (LEE + SUMTER CO.)	APRIL 04, 1975
130388A	SPALDING COUNTY *	MAY 27, 1977
130393	STEWART COUNTY	MARCH 25, 1977
130308	STILLMORE, TOWN (EMANUEL CO.)	MAY 14, 1976
130260A	STONE MOUNTAIN, CITY OF (DEKALB CO.)	APRIL 11, 1975
130389	SUNNY SIDE, VILLAGE (SPALDING COUNTY)	MAY 12, 1974
130328	SUWANEE, CITY (GWINNETT CO.)	APRIL 11, 1975
130396	TALBOT COUNTY	APRIL 04, 1975
130150A	TALKING ROCK, TOWN (PICKENS CO)	MARCH 26, 1976
130380	TALLULAH FALLS, CITY OF (HABERSHAM & RABUN COS.)	JUNE 17, 1977
130288	TEMPLE, TOWN (CARROLL CO.)	APRIL 25, 1975
130400	TERRELL COUNTY *	APRIL 11, 1975
130381	TIGER, TOWN (RABUN CO.)	JULY 16, 1976
130173	TOOMBS COUNTY	JULY 11, 1975
130422	TOOMSBORO, TOWN (WILKINSON CO.)	MARCH 19, 1976
130361	UVALDA, TOWN (MONTGOMERY CO.)	APRIL 04, 1975
130413	WALNUT GROVE, TOWN (WALTON CO.)	APRIL 25, 1975
130190	WHEELER COUNTY	AUGUST 13, 1976
130191	WHITE COUNTY	APRIL 30, 1976
130297	WINTERVILLE, CITY (CLARKE CO.)	JUNE 11, 1976
130436	WOODBURY, TOWN (MERIWEATHER CO.)	APRIL 11, 1975
		JUNE 27, 1975

TOTAL IN THE STATE 111

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	IDAHO	
160042	ALBION, TOWN (CASSIA CO)	JANUARY 10, 1975
160207A	BOUNDARY COUNTY *	AUGUST 02, 1977
160015A	CHATCOLET, CITY OF (BENEWAH CO.)	SEPTEMBER 13, 1974 AND FEBRUARY 27, 1976
160005A	COUNCIL, CITY OF (ADAMS CO.)	MAY 03, 1974 AND DECEMBER 12, 1975
160163	CRAIGMONT, CITY (LEWIS CO)	JUNE 25, 1976
160136	FIRTH, CITY (BINGHAM CO)	APRIL 23, 1976
160137	FRANKLIN, CITY (FRANKLIN CO)	SEPTEMBER 05, 1975
160004A	GARDEN CITY, CITY OF (ADA CO.)	DECEMBER 17, 1973
160141	HAUSER, CITY OF (KOOTENAI CO.)	OCTOBER 08, 1976
160214A	JEFFERSON COUNTY	MAY 31, 1977
160224A	LEADORE, CITY (LEMHI CO)	JUNE 03, 1977
160197	MALTA, TOWN OF (CASSIA CO.)	DECEMBER 13, 1974
160176	MCCAMMON CITY (BANNOCK CO)	APRIL 23, 1976
160179	MENAN CITY (JEFFERSON CO)	APRIL 30, 1976
160045A	OAKLEY, TOWN OF (CASSIA CO.)	OCTOBER 18, 1974 AND NOVEMBER 19, 1976
160149	PLUMMER CITY (BENEWAH CO)	OCTOBER 29, 1976
160150	PONDERAY, CITY (BONNER CO)	AUGUST 13, 1976
160186	PRESTON CITY (FRANKLIN CO)	AUGUST 29, 1975
160153	ST. CHARLES, CITY (BEAR LAKE CO)	MARCH 19, 1976
160154A	SWAN VALLEY CITY (BONNEVILLE CO)	AUGUST 29, 1975 AND JUNE 14, 1977
160230	TETON COUNTY *	SEPTEMBER 13, 1977
160119A	VICTOR, CITY OF (TETON CO.)	SEPTEMBER 06, 1974 AND DECEMBER 05, 1975
	TOTAL IN THE STATE 22	
	ILLINOIS	
170835	ADELINE, VILLAGE (OGLE CO.)	JULY 11, 1975
170844	ALVIN, VILLAGE OF (VERMILION CO)	FEBRUARY 21, 1975
170489	ANCHOR, VILLAGE OF (MCLEAN CO.)	DECEMBER 06, 1974
170657A	ANNA, CITY OF (UNION CO.)	MARCH 29, 1974 AND APRIL 30, 1976
170923A	AUISTON, VILLAGE OF (CLINTON CO.)	MAY 20, 1977
170742A	AVON, VILLAGE OF (FULTON CO.)	OCTOBER 18, 1974 AND APRIL 16, 1976
170321A	BATAVIA, CITY OF (KANE CO.)	SEPTEMBER 10, 1976
170464A	BATH, VILLAGE OF (MASON CO.)	DECEMBER 17, 1973
170845	BELGIUM, VILLAGE OF (VERMILION CO)	MARCH 28, 1975
170608A	BLUFFS, VILLAGE OF (SCOTT CO.)	JUNE 07, 1974 AND JANUARY 30, 1976
170920	BLUFORD, VILLAGE OF (JEFFERSON CO.)	JULY 22, 1977
170848	BRAIDWOOD, CITY (WILL CO)	APRIL 11, 1975
170468A	BROOKPORT, CITY OF (MASSAC CO.)	JUNE 07, 1974
170226	BROWNS, VILLAGE OF (EDWARDS CO.)	NOVEMBER 15, 1974
170747	BRUSSELS, VILLAGE OF (CALHOUN CO.)	NOVEMBER 22, 1974
170746	BRYANT, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170850	BUREAU JUNCTION, VILLAGE OF (BUREAU CO)	MARCH 28, 1975
170471B	BUSHNELL, CITY OF (MCDONOUGH CO.)	JUNE 07, 1974 AND APRIL 02, 1976
170785A	CAMARGO, VILLAGE OF (DOUGLAS CO.)	AUGUST 20, 1976
170491A	CARLOCK, VILLAGE (MCLEAN CO)	APRIL 05, 1974
170250A	CARROLLTON, CITY OF (GREEN CO.)	DECEMBER 03, 1976
170842	CEDARVILLE, VILLAGE (STEPHENSON CO)	JUNE 07, 1974 AND MARCH 05, 1976
170646B	CREVE COEUR, VILLAGE OF (TAZEWELL CO.)	APRIL 11, 1975
170751A	DE SOTO, VILLAGE OF (JACKSON CO.)	MARCH 01, 1974 AND APRIL 30, 1976
170647	DEER CREEK, VILLAGE OF (TAZEWELL CO.)	APRIL 05, 1974 AND APRIL 02, 1976
170658A	DONGOLA, VILLAGE OF (UNION CO.)	JUNE 28, 1974
		MARCH 08, 1974 AND JULY 02, 1976

* UNINCORPORATED AREAS ONLY

ILLINOIS—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170875	DOWELL, VILLAGE (JACKSON CO)	APRIL 18, 1975
170873	EAST BROOKLYN, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170441A	EDWARDSVILLE, CITY OF (MADISON CO.)	APRIL 05, 1974 AND JULY 02, 1976
170251A	ELDRED, VILLAGE OF (GREENE CO.)	DECEMBER 17, 1973 AND JANUARY 16, 1976
170849	ELWOOD, VILLAGE OF (WILL CO)	FEBRUARY 21, 1975
170818	FARMER CITY, CITY OF (DE WITT CO)	MARCH 21, 1975
170664	FITHIAN, VILLAGE OF (VERMILLION CO.)	AUGUST 01, 1975
170827	FOREST CITY, VILLAGE OF (MASON CO)	MARCH 28, 1975
170283A	GALVA, CITY OF (HENRY CO.)	JUNE 14, 1974
170049A	GERMANTOWN, VILLAGE OF (CLINTON CO.)	MARCH 29, 1974 AND JULY 30, 1976
170234A	GIBSON CITY, CITY OF (FORD CO.)	MARCH 29, 1974 AND JANUARY 30, 1976
170885	GOLDEN GATE, VILLAGE (WAYNE CO)	JUNE 27, 1975
170252A	GREENFIELD, CITY OF (GREEN CO.)	FEBRUARY 22, 1974 AND JULY 16, 1976
170561	HAMLETSBURG, VILLAGE OF (POPE CO.)	JULY 30, 1976
170267A	HANCOCK COUNTY	JANUARY 24, 1975 AND FEBRUARY 20, 1976
170465A	HAVANA, CITY OF (MASON CO.)	APRIL 05, 1974 AND JANUARY 30, 1976
170366A	HAWTHORN WOODS, VILL (LAKE CO)	JULY 30, 1976 AND DECEMBER 03, 1976
170570	HENNEPIN, VILLAGE (PUTNAM CO)	NOVEMBER 19, 1976
170456	HENRY, CITY (MARSHALL CO)	JULY 30, 1976
170497A	HEYWORTH, VILLAGE OF (MCLEAN CO.)	JUNE 14, 1974
170253A	HILLVIEW, VILLAGE OF (GREENE CO.)	DECEMBER 06, 1974 AND JULY 30, 1976
170164A	HINCKLEY, VILLAGE OF (DEKALB CO.)	MARCH 01, 1974 AND JUNE 04, 1976
170305A	JEFFERSON COUNTY	MARCH 04, 1977
170315B	JERSEYVILLE, CITY OF (JERSEY CO.)	JUNE 07, 1974 AND JUNE 04, 1976
170757A	JOPPA, VILLAGE OF (MASSAC CO.)	NOVEMBER 23, 1973 AND APRIL 23, 1976
170826	JUNCTION CITY, VILLAGE OF (MARION CO)	MARCH 21, 1975
170860A	KEYESPORT, VILLAGE OF (CLINTON CO)	MARCH 21, 1975 AND JANUARY 07, 1977
170837	KINDERHOOK, VILLAGE OF (PIKE CO)	MARCH 21, 1975
170760	LA PRAIRIE, TOWN OF (ADAMS CO.)	APRIL 25, 1975
170457A	LACON, CITY OF (MARSHALL CO.)	NOVEMBER 30, 1973 AND FEBRUARY 20, 1976
170373A	LAKE BLUFF (VILLAGE OF (LAKE CO.)	FEBRUARY 01, 1974 AND FEBRUARY 06, 1976
170458	LAROSE, VILLAGE OF (MARSHALL CO.)	OCTOBER 25, 1974
170342	LISBON, VILLAGE OF (KENDALL CO.)	NOVEMBER 01, 1974
170794A	LIVINGSTON, VILLAGE OF (MADISON CO.)	MARCH 22, 1974 AND JUNE 11, 1976
170917	LYNDON, VILLAGE OF (WHITESIDE CO.)	OCTOBER 08, 1976
170765	MAEYSTOWN, VILLAGE (MONROE CO.)	APRIL 02, 1976
170301A	MAKANDA, VILLAGE OF (JACKSON CO.)	AUGUST 23, 1974 AND DECEMBER 26, 1975
170187A	MALTA, VILLAGE OF (DEKALB CO.)	JUNE 07, 1974
170549	MANSFIELD, VILLAGE (PIATT CO)	JANUARY 03, 1975
170836	MAPLETON, VILLAGE OF (PEORIA CO)	MARCH 28, 1975
170351	MAQUON, VILLAGE OF (KNOX CO.)	NOVEMBER 15, 1974
170764	MARIETTA, VILLAGE OF (MARIETTA CO)	JANUARY 31, 1975
170650A	MARQUETTE HEIGHTS, CITY OF (TAZEWELL CO.)	MARCH 08, 1974 AND MARCH 26, 1976

ILLINOIS—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170041A	MARTINSVILLE, CITY OF (CLARK CO.)	NOVEMBER 23, 1973 AND MARCH 26, 1976
170684	MAUNIE, VILLAGE OF (WHITE CO.)	JANUARY 09, 1974
170381A	METTAWA, VILLAGE OF (LAKE CO.)	OCTOBER 18, 1974 AND JULY 23, 1976
170685A	MILL SHOALS, VILLAGE OF (WHITE CO.)	JULY 19, 1974 AND JULY 02, 1976
170903A	MORGAN COUNTY *	MAY 13, 1977
170767	NAUVOO, CITY (HANCOCK CO)	OCTOBER 10, 1975
170853	NEW BEDFORD, VILLAGE (BUREAU CO.)	JUNE 27, 1975
170555A	NEW CANTON, TOWN OF (PIKE CO.)	AUGUST 16, 1974
170769	NEWMAN, VILLAGE OF (DOUGLAS CO.)	NOVEMBER 29, 1974
170303A	NEWTON, CITY OF (JASPER CO.)	DECEMBER 17, 1973 AND MAY 28, 1976
170832	OAKFORD, VILLAGE OF (MENARD CO)	MARCH 21, 1975
170831	OAKWOOD HILLS, VILLAGE (MCHENRY CO.)	APRIL 18, 1975
170352A	ONEIDA, CITY OF (KNOX CO.)	JUNE 07, 1974
170641A	ORANGEVILLE, VILLAGE OF (STEPHENSON CO.)	AUGUST 16, 1974 AND MARCH 26, 1976
170797A	PECATONICA, VILLAGE OF (WINNEBAGO CO.)	APRIL 05, 1974 AND APRIL 02, 1976
170538	PERRY COUNTY *	DECEMBER 13, 1974
170272A	PONTOOSUC, VILLAGE OF (HANCOCK CO.)	JANUARY 16, 1974 AND MAY 28, 1976
170883	REYNOLDS, VILLAGE (ROCK ISLAND CO)	APRIL 18, 1975
170603A	RIVERTON, VILLAGE OF (SANGMON CO.)	NOVEMBER 16, 1973 AND MARCH 05, 1976
170800A	RUSSELLVILLE, VILLAGE OF (LAWRENCE CO.)	NOVEMBER 12, 1976
170605A	SCHUYLER COUNTY	JANUARY 03, 1975 AND JULY 02, 1976
170905A	SCOTT COUNTY *	JANUARY 28, 1977
170595A	SILVIS, CITY OF (ROCK ISLAND CO.)	MAY 31, 1974 AND MAY 21, 1976
170519A	SOUTH JACKSONVILLE, CITY OF (MORGAN CO.)	MARCH 29, 1974 AND JUNE 04, 1976
170459A	SPARLAND, VILLAGE OF (MARSHALL CO.)	NOVEMBER 23, 1973 AND MARCH 05, 1976
170613	STARK COUNTY	APRIL 02, 1976
170580	STEELEVILLE, VILLAGE (RANDOLPH CO)	JULY 30, 1976
170775	ST. DAVID, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170801A	ST. FRANCISVILLE, VILLAGE OF (LAWERENCE CO.)	MARCH 29, 1974
170820	ST. MARIE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170005A	TAMMS, VILLAGE OF (ALEXANDER CO.)	MAY 10, 1974 AND JUNE 11, 1976
170778	THOMSON, VIL (CARROLL CO)	OCTOBER 17, 1975
170670A	TILTON, VILLAGE OF (VERMILION CO.)	JANUARY 14, 1977
170828	TOPEKA, TOWN OF (MASON CO)	MARCH 21, 1975
170559A	VALLEY CITY, VILLAGE OF (PIKE CO.)	DECEMBER 17, 1973 AND MARCH 19, 1976
170455A	WAMAC, CITY OF (WASHINGTON, MARION & CLINTON COS.)	JUNE 28, 1974
170865	WAYNE, VILLAGE (DUPAGE CO)	AUGUST 15, 1975
170355A	WILLIAMSFIELD, VILLAGE OF (KNOX CO.)	DECEMBER 03, 1976
170240A	ZEIGLER, CITY (FRANKLIN CO)	FEBRUARY 25, 1977

TOTAL IN THE STATE 108

* UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180031A	ALTON, TOWN OF (CRAWFORD CO.)	JANUARY 23, 1974 AND JULY 02, 1976
180303	AMBOY, TOWN OF (MIAMI CO.)	NOVEMBER 29, 1974
180097B	ANDREWS, TOWN OF (HUNTINGTON CO.)	JUNE 07, 1974
180273A	BOONVILLE, CITY OF (WARRICK CO.)	DECEMBER 28, 1973 AND MAY 28, 1976
180087B	BROWNSBURG, TOWN OF (HENDRICKS CO.)	NOVEMBER 23, 1973 AND JUNE 18, 1976
180258A	CAYUGA, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND MAY 21, 1976
180054	DUBOIS COUNTY *	DECEMBER 13, 1974 AND JUNE 10, 1977
180106	DUPONT, TOWN OF (JEFFERSON CO.)	NOVEMBER 29, 1974
180282B	FOUNTAIN CITY, CITY OF (WAY)	MAY 10, 1974 AND APRIL 16, 1976
		APRIL 15, 1977
180366	FRANCISO, TOWN OF (GIBSON CO)	MARCH 21, 1975
180080	HAMILTON COUNTY *	DECEMBER 13, 1974 AND DECEMBER 23, 1977
180327A	HAZLETON, TOWN OF (GIBSON CO.)	NOVEMBER 23, 1973 AND SEPTEMBER 24, 1976
180225A	INDIAN VILLAGE, TOWN OF (ST. JOSEPH CO.)	OCTOBER 18, 1974
180108	JENNINGS COUNTY *	DECEMBER 13, 1974 AND AUGUST 19, 1977
180193A	JUDSON, TOWN OF (PARKE CO.)	DECEMBER 17, 1973 AND JUNE 11, 1976
180090B	KNIGHTSTOWN, TOWN OF (HENRY CO.)	NOVEMBER 30, 1973 AND DECEMBER 26, 1975
		NOVEMBER 19, 1976
180172A	LADOGA, TOWN OF (MONTGOMERY CO.)	MAY 24, 1974 AND DECEMBER 26, 1975
180125	LAGRANGE COUNTY	JULY 01, 1977
180035A	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	NOVEMBER 30, 1973
180398	LITTLE YORK, TOWN OF (WASHINGTON CO)	MARCH 21, 1975
180330A	MECCA, TOWN OF (PARKE CO.)	JANUARY 23, 1974 AND JUNE 18, 1976
180413	MEROM, TOWN (SULLIVAN CO)	JUNE 10, 1977
180382	MILFORD, TOWN OF (KOSCIUSKO CO)	MARCH 21, 1975
180176	MORGAN COUNTY *	DECEMBER 20, 1974 AND JANUARY 20, 1978
180337A	NEWBERRY, TOWN OF (GREENE CO.)	FEBRUARY 01, 1974
180262A	NEWPORT, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND MAY 21, 1976
180250A	ORLAND, TOWN OF (STEUBEN CO.)	MAY 31, 1974 AND APRIL 09, 1976
180189A	PAOLI, TOWN OF (ORANGE CO.)	NOVEMBER 23, 1973 AND OCTOBER 31, 1975
180192	PARKE COUNTY *	DECEMBER 20, 1974
180340A	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 23, 1973 AND JULY 23, 1976
180388	PINES, TOWN OF (PORTER CO)	MARCH 21, 1975
180213	PUTNAM COUNTY	JANUARY 03, 1975 AND FEBRUARY 24, 1978
180096A	ROANOKE, TOWN OF (HUNTINGTON CO.)	DECEMBER 28, 1973 AND JULY 23, 1976
180345A	SALAMONIA, TOWN OF (JAY CO.)	OCTOBER 22, 1976
180346A	SPRING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974
180240	STARKE COUNTY	SEPTEMBER 02, 1977
180349A	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	FEBRUARY 01, 1974 AND APRIL 09, 1976
180350A	TENNYSON, TOWN OF (WARRICK CO.)	FEBRUARY 01, 1974 AND JUNE 18, 1976
180175A	WAYNETOWN, TOWN OF (MONTGOMERY CO.)	MAY 31, 1974 AND APRIL 09, 1976

TOTAL IN THE STATE 39

* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190386	ACKLEY, CITY OF (HARDIN CO.)	JULY 16, 1976
190538	AFTON, CITY OF (UNION CO.)	SEPTEMBER 26, 1975
190525	AINSWORTH, CITY OF (WASHINGTON CO.)	SEPTEMBER 19, 1975
190542	ALBION, CITY OF (MARSHALL CO.)	APRIL 23, 1976
190138A	ALDEN, CITY OF (HARDIN CO.)	JUNE 21, 1974 AND DECEMBER 26, 1975
190387	ALEXANDER, CITY OF (FRANKLIN CO.)	MARCH 26, 1976
190005A	ALLAMAKEE COUNTY	JUNE 03, 1977
190543	ALLERTON, CITY OF (WAYNE CO.)	SEPTEMBER 26, 1975
190544	ALLISON, CITY (BUTLER CO)	JULY 16, 1976
190546	ALTOONA, CITY (POLK CO)	SEPTEMBER 26, 1975
190335	APLINGTON, CITY OF (BUTLER CO.)	JUNE 25, 1976
190092A	ARION, CITY OF (CRAWFORD CO.)	SEPTEMBER 06, 1974 AND MAY 14, 1976
190217	ASHTON, CITY OF (OSCEOLA CO.)	JULY 11, 1975
190548	ATKINS, CITY (BENTON CO)	AUGUST 22, 1975
190697	AUBURN, CITY OF (SAC)	JULY 30, 1976
190549	AURELIA, CITY OF (CHEROKEE CO.)	APRIL 16, 1976 AND APRIL 16, 1976
190698	AURORA, CITY OF (BUCHANAN)	AUGUST 22, 1975
190699	AYRSHIRE, CITY OF (PALO ALTO)	AUGUST 13, 1976
190700	BAGLEY, CITY OF (GUTHRIE CO.)	AUGUST 13, 1976
190428	BALDWIN, CITY OF (JACKSON CO.)	JUNE 25, 1976
190528	BARNUM, CITY OF (WEBSTER CO.)	NOVEMBER 05, 1976
190551	BATAVIA, CITY (JEFFERSON CO)	SEPTEMBER 26, 1975
190423	BATTLE CREEK, CITY OF (IDA CO.)	SEPTEMBER 26, 1975
190552	BAXTER, CITY (JASPER CO)	SEPTEMBER 12, 1975
190452	BEACON, CITY OF (MAHASKA CO.)	SEPTEMBER 19, 1975
190400	BEAMAN, CITY OF (GRUNDY CO.)	AUGUST 22, 1975
190322	BEAVER, CITY OF (BOONE CO.)	OCTOBER 29, 1976
190303A	BELMOND, CITY OF (WRIGHT CO.)	MAY 03, 1974 AND AUGUST 22, 1975
190845A	BENTON COUNTY *	MAY 24, 1977
190438	BERTRAM, CITY OF (LINN CO.)	JULY 02, 1976
190320	BLAIRSTOWN, CITY OF (BENTON CO.)	SEPTEMBER 19, 1975
190705	BLENCOE, CITY OF (MONONA CO.)	OCTOBER 29, 1976
190517	BLOCKTON, CITY OF (TAYLOR CO.)	SEPTEMBER 26, 1975
190554	BLUE GRASS, CITY OF (SCOTT CO.)	AUGUST 13, 1976
190555	BOONE, CITY (BOONE CO)	SEPTEMBER 12, 1975
190708	BOXHOLM, CITY OF (BOONE)	MARCH 26, 1976
190556	BOYDEN, CITY OF (SIOUX CO.)	AUGUST 29, 1975
190420	BRADGATE, CITY OF (HUMBOLDT CO.)	JUNE 25, 1976
190328	BRANDON, CITY OF (BUCHANAN CO.)	OCTOBER 29, 1976
190847A	BREMER COUNTY *	MAY 10, 1977
190314	BRIDGEWATER, CITY OF (ADAIR CO.)	JUNE 18, 1976
190709	BRISTOW, CITY OF (BUTLER)	JULY 02, 1976
190558	BRITT, CITY (HANCOCK CO)	AUGUST 08, 1975
190476	BRUNSVILLE, CITY OF (PLYMOUTH CO.)	JULY 02, 1976
190848A	BUCHANNAN COUNTY *	JUNE 07, 1977
190093	BUCK GROVE, CITY OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190850A	BUTLER COUNTY *	SEPTEMBER 06, 1977
190277	CALLENDER, CITY OF (WEBSTER CO.)	NOVEMBER 08, 1974
190001	CARBON, CITY OF (ADAMS CO.)	JUNE 25, 1976
190462	CASTANA, CITY OF (MONONA CO.)	AUGUST 29, 1975
190050A	CEDAR COUNTY	JUNE 07, 1977
190433	CENTER JUNCTION, CITY OF (JONES CO.)	JUNE 25, 1976
190853A	CERRO GORDO COUNTY *	JUNE 07, 1977
190509	CHATSWORTH, CITY OF (SIOUX CO.)	AUGUST 13, 1976
190854A	CHEROKEE COUNTY *	MAY 06, 1977
190855A	CHICKASAW COUNTY *	MAY 24, 1977
190269	CHILLICOTHE, CITY OF (WAPELLO CO.)	NOVEMBER 08, 1974
190395	CHURDAN, CITY OF (GREENE CO.)	AUGUST 29, 1975
190714	CLARE, CITY OF (WEBSTER CO.)	OCTOBER 29, 1976
190336	CLARKSVILLE, CITY OF (BUTLER CO.)	SEPTEMBER 19, 1975
190857A	CLAY COUNTY *	JUNE 07, 1977
190201	CLEMONS, CITY OF (MARSHALL CO.)	NOVEMBER 05, 1976

* UNINCORPORATED AREAS ONLY

IOWA—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190374	CLERMONT, CITY OF (FAYETTE CO.)	NOVEMBER 05, 1976
190839	COLO, CITY OF (STORY CO.)	MARCH 26, 1976
190720	COLUMBUS CITY, TOWN OF (LOUISA)	OCTOBER 29, 1976
190401	CONRAD, CITY OF (GRUNDY CO.)	APRIL 16, 1976 AND APRIL 16, 1976
190518	CONWAY, CITY OF (TAYLOR CO.)	JULY 02, 1976
190407	CORWITH, CITY OF (HANCOCK CO.)	OCTOBER 22, 1976
190388	COULTER, CITY OF (FRANKLIN CO.)	AUGUST 13, 1976
190722	CRAWFORDSVILLE, CITY OF (WASHINGTON CO.)	MAY 28, 1976
190519	CROMWELL, CITY OF (UNION CO.)	JUNE 25, 1976
190724	CRYSTAL LAKE, CITY OF (HANCOCK CO.)	NOVEMBER 19, 1976
190345	CUMBERLAND, CITY OF (CASS CO.)	OCTOBER 29, 1976
190421	DAKOTA CITY, CITY OF (HUMBOLDT CO.)	NOVEMBER 08, 1974
190109	DAVIS CITY, CITY OF (DECATUR CO.)	JULY 18, 1975
190358	DAWSON, CITY OF (DALLAS CO.)	AUGUST 13, 1976
190565	DAYTON, CITY OF (WEBSTER CO.)	NOVEMBER 05, 1976
190568	DE WITT, CITY (CLINTON CO)	OCTOBER 22, 1976
190532	DECORAH, CITY (WINNESHIEK CO)	DECEMBER 10, 1976
190496	DEEP RIVER, CITY OF (POWESHIEK CO.)	SEPTEMBER 19, 1975
190566	DELHI, CITY (DELAWARE CO)	MARCH 19, 1976
190113A	DES MOINES COUNTY	MAY 17, 1977
190359	DESOTO, CITY OF (DALLAS CO.)	SEPTEMBER 26, 1975 AND JULY 26, 1977
190360	DEXTER, CITY OF (DALLAS CO.)	NOVEMBER 05, 1976
190501	DIAGONAL, CITY OF (RINGGOLD CO.)	AUGUST 29, 1975
190355	DICKENS, CITY OF (CLAY CO)	SEPTEMBER 05, 1975
190864A	DICKINSON COUNTY *	MAY 10, 1977
190726	DIXON, CITY (SCOTT)	SEPTEMBER 19, 1975
190505	DONAHUE, CITY OF (SCOTT CO.)	MARCH 19, 1976
190446	DOON, CITY OF (LYON CO.)	SEPTEMBER 19, 1975
190305A	DOWS, CITY OF (WRIGHT CO.)	JUNE 21, 1974 AND DECEMBER 26, 1975
190571	EARLVILLE, CITY (DELAWARE CO)	MARCH 19, 1976
190572A	EARLY, CITY (SAC CO)	OCTOBER 29, 1976 AND MAY 24, 1977
190574	ELDRIDGE, CITY (SCOTT CO)	AUGUST 06, 1976
190416	ELMA, CITY OF (HOWARD CO.)	SEPTEMBER 19, 1975
190440	ELY, CITY OF (LINN CO.)	JULY 30, 1976
190865A	EMMET COUNTY *	MAY 17, 1977
190730	FARNHAMVILLE, CITY OF (CALHOUN CO.)	MARCH 26, 1976
190866A	FAYETTE COUNTY *	AUGUST 16, 1977
190376	FAYETTE, CITY OF (FAYETTE CO.)	MAY 28, 1976
190437	FENTON, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
190457	FERGUSON, CITY OF (MARSHALL CO.)	SEPTEMBER 26, 1975
190127A	FLOYD COUNTY	JUNE 03, 1977
190382	FLOYD, CITY OF (FLOYD CO.)	MARCH 19, 1976
190483	FONDA, CITY OF (POCAHONTAS CO.)	JULY 30, 1976
190579	FONTANELLE, CITY (ADAIR CO)	JULY 18, 1975
190324	FRASER, CITY OF (BOONE CO.)	JULY 30, 1976
190027	FREDERIKA, CITY OF (BREMER CO.)	NOVEMBER 22, 1974
190308	FREDONIA, CITY OF (LOUISA CO.)	FEBRUARY 14, 1975
190580	GARNAVILLO, CITY (CLAYTON CO)	AUGUST 08, 1975
190581	GARNER, CITY (HANCOCK CO)	OCTOBER 29, 1976
190321	GARRISON, CITY OF (BENTON CO.)	AUGUST 08, 1975
190584	GOLDFIELD, CITY OF (WRIGHT CO.)	JUNE 25, 1976
190279A	GOWRIE, CITY OF (WEBSTER CO.)	JUNE 28, 1974 AND FEBRUARY 06, 1976
190585	GRAND JUNCTION, CITY OF (GREENE CO.)	JULY 30, 1976
190466	GRANT, CITY OF (MONTGOMERY CO.)	NOVEMBER 19, 1976
190738	GRAVITY, CITY OF (TAYLOR CO.)	SEPTEMBER 19, 1975
190318A	GRAY, CITY OF (AUDUBON CO.)	JULY 19, 1977
190739	GREELEY, CITY OF (DELAWARE CO.)	OCTOBER 29, 1976
190159A	GREEN ISLAND, CITY OF (JACKSON CO.)	OCTOBER 25, 1974
190869	GREENE COUNTY *	JUNE 14, 1977
190228	GRIMES, CITY OF (POLK CO.)	MARCH 05, 1976
190403	GRUNDY CENTER, CITY (GRUNDY CO)	JULY 02, 1976

* UNINCORPORATED AREAS ONLY

IOWA—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190497	GUERNEY, CITY OF (POWESHIEK CO.)	APRIL 30, 1976
190871A	GUTHRIE COUNTY *	AUGUST 23, 1977
190873A	HANCOCK COUNTY *	SEPTEMBER 06, 1977
190236A	HANCOCK, CITY OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND DECEMBER 26, 1975
190833	HANLONTOWN, CITY OF (WORTH CO.)	JUNE 04, 1976
190316	HARPERS FERRY, CITY OF (ALLAMAKEE)	OCTOBER 29, 1976
190741	HARPER, CITY OF (KEOKUK)	NOVEMBER 19, 1976
190589	HARTFORD, CITY (WARREN CO)	MARCH 19, 1976
190455	HARVEY, CITY OF (MARION CO.)	MARCH 19, 1976
190204	HASTINGS, CITY OF (MILLS CO.)	SEPTEMBER 19, 1975
190484	HAVELOCK, CITY OF (POCAHONTAS CO.)	MARCH 19, 1976
190330	HAZELTON, CITY OF (BUCHANAN CO.)	MAY 28, 1976
190592	HENDRICK, CITY OF (KEOKUK CO.)	MARCH 19, 1976
190404	HOLLAND, TOWN (GRUNDY CO)	JULY 02, 1976
190364	HOPKINTON, CITY OF (DELAWARE CO.)	OCTOBER 29, 1976
190411	HUBBARD, CITY OF (HARDIN CO.)	JULY 02, 1976
190596	HUMESTON, CITY OF (WAYNE CO.)	OCTOBER 29, 1976
190391	IMOGENE, CITY OF (FREMONT CO.)	OCTOBER 29, 1976
190878A	IOWA COUNTY *	AUGUST 16, 1977
190511	IRETON, CITY OF (SIOUX CO.)	JANUARY 24, 1975
190879A	JACKSON COUNTY *	MAY 24, 1977
190533	JACKSON JCT., CITY OF (WINNESHIEK CO.)	JUNE 25, 1976
190744	JAMAICA, CITY OF (GUTHRIE CO.)	AUGUST 13, 1976
190023A	JANESVILLE, CITY OF (BLACK HAWK CO. & BREWER COS.)	DECEMBER 28, 1973 AND JANUARY 16, 1976
190880A	JASPER COUNTY *	JUNE 03, 1977
190599	JESUP, CITY (BUCHANAN CO)	OCTOBER 29, 1976
190600	JEWELL, CITY (HAMILTON CO)	AUGUST 13, 1976
190746	JOICE, CITY OF (WORTH CO.)	AUGUST 13, 1976
190919A	JONES COUNTY *	APRIL 22, 1977
190601	KALONA, CITY (WASHINGTON CO)	SEPTEMBER 26, 1975
190408	KANAWHA, CITY OF (HANCOCK CO.)	OCTOBER 29, 1976
190748	KELLEY, CITY OF (STORY CO.)	NOVEMBER 19, 1976
190749	KENSETT, CITY OF (WORTH CO.)	NOVEMBER 05, 1976
190883A	KEOKUK COUNTY *	AUGUST 23, 1977
190435	KEOTA, CITY OF (KEOKUK CO.)	SEPTEMBER 26, 1975
190750	KESWICK, CITY OF (KEOKUK CO.)	MAY 21, 1976
190602	KEYSTONE, CITY OF (BENTON CO.)	SEPTEMBER 19, 1975
190436	KINROSS, CITY OF (KEOKUK CO.)	AUGUST 13, 1976
190884A	KOSSUTH COUNTY *	JUNE 21, 1977
190430	LA MOTTE, CITY OF (JACKSON CO.)	SEPTEMBER 26, 1975
190425	LADORA, CITY OF (IOWA CO.)	SEPTEMBER 19, 1975
190604	LAKE MILLS, CITY (WINNEBAGO CO)	MAY 21, 1976
190753	LAKOTA, CITY OF (KOSSUTH CO.)	MARCH 19, 1976
190331	LAMONT, CITY OF (BUCHANAN CO.)	SEPTEMBER 12, 1975
190353	LARRABEE, CITY OF (CHEROKEE CO.)	JULY 02, 1976
190389	LATIMER, CITY OF (FRANKLIN CO.)	MARCH 26, 1976
190485	LAURENS, CITY OF (POCAHONTAS CO.)	JULY 30, 1976
190182A	LEE COUNTY	JUNE 21, 1977
190310	LEHIGH, CITY OF (WEBSTER CO.)	SEPTEMBER 19, 1975
190311	LETTS, CITY OF (LOUISA CO.)	DECEMBER 27, 1974
190829A	LINN COUNTY	JUNE 03, 1977
190032A	LINN GROVE, CITY OF (BUENA VISTA CO.)	AUGUST 16, 1974 AND MARCH 05, 1976
190608	LIVERMORE, CITY OF (HUMBOLDT CO.)	OCTOBER 29, 1976
190610	LONE TREE, CITY (JOHNSON CO)	AUGUST 13, 1976
190764	LONG GROVE, CITY OF (SCOTT CO.)	MAY 14, 1976
190766	LOW MOOR, CITY OF (CLINTON CO.)	MARCH 19, 1976
190767	LUANA, CITY OF (CLAYTON)	APRIL 09, 1976
190768	LUVERNE, CITY OF (KOSSUTH & HUMBOLDT COS.)	SEPTEMBER 19, 1975
190165	LYNNVILLE, CITY OF (JASPER CO.)	JANUARY 03, 1975
190886A	LYON COUNTY *	MAY 31, 1977
190772	MACEDONIA, CITY OF (POTTAWATTAMIE CO.)	DECEMBER 10, 1976

* UNINCORPORATED AREAS ONLY

IOWA—Continued

COMMUNITY-NUMBER	NAME	HAZARD AREA IDENTIFIED
190773	MAGNOLIA, CITY OF (HARRISON CO.)	OCTOBER 29, 1976
190888A	MAHASKA COUNTY *	JUNE 07, 1977
190498	MALCOM, CITY OF (POWESHIEK CO.)	SEPTEMBER 19, 1975
190834	MANLY, CITY OF (WORTH CO.)	JULY 09, 1976
190383	MARBLE ROCK, CITY OF (FLOYD CO.)	JULY 30, 1976
190614	MARCUS, CITY OF (CHEROKEE CO.)	MARCH 19, 1976
190348	MARNE, CITY OF (CASS CO.)	OCTOBER 29, 1976
190890A	MARSHALL COUNTY *	JUNE 03, 1977
190775	MARTELLE, CITY OF (JONES)	AUGUST 13, 1976
190524	MARTENSDALE, CITY OF (WARREN CO.)	APRIL 16, 1976 AND APRIL 16, 1976
190456	MARYSVILLE, CITY OF (MARION CO.)	JULY 02, 1976
190365	MASONVILLE, CITY OF (DELAWARE CO.)	AUGUST 13, 1976
190349	MASSENA, CITY OF (CASS CO.)	MAY 21, 1976
190912	MAURICE, CITY OF (SIOUX CO.)	MARCH 19, 1976
190458	MC INTIRE, CITY OF (MITCHELL CO.)	SEPTEMBER 26, 1975
190465	MELROSE, CITY OF (MONROE CO.)	JULY 02, 1976
190478	MERRILL, CITY OF (PLYMOUTH CO.)	JULY 02, 1976
190777	MESERVEY, CITY OF (CERRO GORDO)	OCTOBER 29, 1976
190779	MILES, CITY OF (JACKSON CO.)	NOVEMBER 19, 1976
190368	MILFORD, CITY OF (DICKINSON CO.)	JULY 16, 1976
190522	MILTON, CITY OF (VAN BUREN CO.)	MARCH 19, 1976
190780	MINBURN, CITY OF (DALLAS CO.)	JULY 23, 1976
190781	MINDEN, CITY OF (POTTAWATTAMIE CO.)	OCTOBER 29, 1976
190166	MINGO, CITY OF (JASPER CO.)	SEPTEMBER 05, 1975
190892A	MITCHELL COUNTY *	JUNE 07, 1977
190459	MITCHELL, CITY OF (MITCHELL CO.)	NOVEMBER 05, 1976
190148A	MODALE, TOWN OF (HARRISON CO.)	OCTOBER 18, 1974
190161	MONMOUTH, CITY OF (JACKSON CO.)	JANUARY 17, 1975
190620	MONONA, CITY OF (CLAYTON CO.)	FEBRUARY 21, 1975
190782	MONTOUR, CITY OF (TAMA)	SEPTEMBER 05, 1975
190784	MOORLAND, CITY OF (WEBSTER CO.)	OCTOBER 29, 1976
190624	MOULTON, CITY (APPANOOSE CO)	JULY 16, 1976
190523	MT. STERLING, CITY OF (VAN BUREN CO.)	AUGUST 13, 1976
190493	NEOLA, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190003	NODAWAY, CITY OF (ADAMS CO.)	AUGUST 22, 1975
190384	NORA SPRINGS, CITY OF (FLOYD CO.)	SEPTEMBER 26, 1975
190082A	NORTH BUENAVISTA, CITY OF (CLAYTON CO.)	OCTOBER 18, 1974 AND MARCH 19, 1976
190629	NORTH ENGLISH, CITY (IOWA AND KEOKUK COS)	MARCH 19, 1976
190631	NORWALK, CITY OF (WARREN CO.)	AUGUST 06, 1976
190632	NORWAY, CITY OF (BENTON CO.)	SEPTEMBER 26, 1975
190634	OGDEN, CITY OF (BOONE CO.)	AUGUST 29, 1975
190788	OKOBJI, CITY OF (DICKINSON CO.)	SEPTEMBER 19, 1975
190460	ORCHARD, CITY OF (MITCHELL CO.)	JULY 02, 1976
190369	ORLEANS, CITY OF (DICKINSON CO.)	DECEMBER 17, 1976
190636	OSAGE, CITY (MITCHELL CO)	DECEMBER 03, 1976
190637	OSCEOLA, CITY (CLARKE CO)	APRIL 23, 1976
190638	OSKALOOSA, CITY (MAHASKA CO)	JULY 23, 1976
190639	OSSIAN, CITY (WINNESHIEK CO)	NOVEMBER 19, 1976
190640	OTHO, CITY OF (WEBSTER CO.)	AUGUST 06, 1976
190294A	OTO, CITY OF (WOODBURY CO.)	SEPTEMBER 13, 1974 AND JANUARY 23, 1976
190172A	OXFORD, CITY OF (JOHNSON CO.)	MAY 10, 1974 AND FEBRUARY 06, 1976
190479	OYENS, CITY OF (PLYMOUTH CO.)	JULY 16, 1976
190793	PALMER, CITY OF (POCAHONTAS)	AUGUST 13, 1976
190898A	PALO ALTO COUNTY *	MAY 17, 1977
190506	PANORAMA PARK, CITY OF (SCOTT CO.)	DECEMBER 10, 1976
190405	PANORA, CITY OF (GUTHRIE CO.)	AUGUST 06, 1976
190337	PARKERSBURG, CITY OF (BUTLER CO.)	JULY 02, 1976
190397	PATON, CITY OF (GREENE CO.)	SEPTEMBER 19, 1975
190451	PATTERSON, CITY OF (MADISON CO.)	OCTOBER 01, 1976
190837A	PELLA, CITY OF (MARION CO.)	JUNE 03, 1977
190357	PETERSON, CITY OF (CLAY CO.)	MARCH 26, 1976
190326	PILOT MOUND, CITY OF (BOONE CO.)	NOVEMBER 05, 1976

* UNINCORPORATED AREAS ONLY

IOWA—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190151	PISGAH, CITY OF (HARRISON CO.)	DECEMBER 06, 1974
190327	PLAINFIELD, CITY OF (BREMER CO.)	NOVEMBER 05, 1976
190439A	PLEASANT HILL, CITY OF (POLK CO.)	FEBRUARY 04, 1977
190838	PLEASANTVILLE, CITY OF (MARION CO.)	MARCH 26, 1976
190061A	PLYMOUTH, CITY OF (CERRO GORDO CO.)	NOVEMBER 08, 1974 AND MAY 21, 1976
190486	POCAHONTAS, CITY (POCAHONTAS CO)	JULY 30, 1976
190901A	POLK COUNTY *	AUGUST 23, 1977
190341	POMEROY, CITY OF (CALHOUN CO.)	DECEMBER 17, 1976
190641	POSTVILLE, CITY (ALLAMAKEE CO)	NOVEMBER 05, 1976
190004	PRESCOTT, CITY OF (ADAMS CO.)	NOVEMBER 05, 1976
190431	PRESTON, CITY OF (JACKSON CO.)	SEPTEMBER 19, 1975
190643	PRIMGHAR, CITY OF (O'BRIEN CO.)	OCTOBER 29, 1976
190419	PROTIVIN, CITY OF (HOWARD CO.)	SEPTEMBER 12, 1975
190644	RADCLIFFE, CITY (HARDIN CO)	JUNE 25, 1976
190530	RAKE, CITY OF (WINNEBAGO CO.)	JUNE 25, 1976
190392	RANDOLPH, CITY OF (FREMONT CO.)	MARCH 19, 1976
190167A	REASNOR, CITY OF (JASPER CO.)	NOVEMBER 01, 1974
190646A	REINBECK, CITY OF (GRUNDY CO.)	DECEMBER 10, 1976 AND MAY 24, 1977
190480	REMSEN, CITY OF (PLYMOUTH CO.)	MARCH 19, 1976
190418	RICEVILLE, CITY OF (HOWARD CO.)	MARCH 19, 1976
190100	RICKETTS, CITY OF (CRAWFORD CO.)	NOVEMBER 22, 1974
190342	RINARD, CITY OF (CALHOUN CO.)	OCTOBER 29, 1976
190373	RINGSTED, CITY OF (EMMET CO.)	MARCH 19, 1976
190648	RIVERSIDE, CITY OF (WASHINGTON CO.)	AUGUST 13, 1976
90393	RIVERTON, CITY OF (FREMONT CO.)	AUGUST 13, 1976
90351A	ROCK FALLS, CITY OF (CERRO GORDO CO.)	JANUARY 14, 1977
90343	ROCKWELL CITY, CITY OF (CALHOUN CO.)	MARCH 26, 1976
90352	ROCKWELL, CITY OF (CERRO GORDO CO.)	MARCH 26, 1976
90513A	ROLAND, CITY OF (STORY CO.)	MARCH 25, 1977
90414	ROME, CITY OF (HENRY CO.)	JULY 09, 1976
190797	ROWAN, CITY OF (WRIGHT CO.)	NOVEMBER 05, 1976
190799	ROYAL, CITY OF (CLAY)	OCTOBER 29, 1976
190385	RUDD, CITY OF (FLOYD CO.)	APRIL 23, 1976
190800	RUNNELLS, CITY OF (POLK CO.)	SEPTEMBER 19, 1975
190650	RUTHVEN, CITY (PALO ALTO CO)	AUGUST 13, 1976
190422	RUTLAND, CITY OF (HUMBOLDT CO.)	NOVEMBER 05, 1976
190801	RYAN, CITY OF (DELAWARE CO.)	MARCH 26, 1976
190651A	SANBORN, CITY (O)	SEPTEMBER 19, 1975 AND JULY 16, 1976
190531	SCARVILLE, CITY OF (WINNEBAGO CO.)	JULY 02, 1976
190652	SCHALLER, CITY OF (SAC CO.)	NOVEMBER 05, 1976
190653	SCHLESWIG, CITY OF (CRAWFORD CO.)	DECEMBER 10, 1976
190654	SCRANTON, CITY OF (GREENE CO.)	NOVEMBER 12, 1976
190499	SEARSBORO, CITY OF (POWESHIEK CO.)	OCTOBER 29, 1976
190521	SHANNON CITY, CITY OF (RINGGOLD & UNION COS.)	AUGUST 13, 1976
190132A	SHEFFIELD, CITY OF (FRANKLIN CO.)	JUNE 28, 1974 AND JUNE 04, 1976
190338	SHELL ROCK, CITY OF (BUTLER CO.)	DECEMBER 17, 1976
190319	SHELLSBURG, CITY OF (BENTON CO.)	OCTOBER 29, 1976
190832	SHUEYVILLE, CITY OF (JOHNSON CO.)	NOVEMBER 19, 1976
190659	SLATER, CITY (STORY CO)	MARCH 26, 1976
190805	SOLDIER, CITY OF (WOODBURY CO.)	AUGUST 13, 1976
190432	SOLON, CITY OF (JOHNSON CO.)	AUGUST 13, 1976
190344	SOMERS, CITY OF (CALHOUN CO.)	OCTOBER 29, 1976
190285	SPILLVILLE, CITY OF (WINNESHICK CO.)	OCTOBER 29, 1976
190444A	SPRINGVILLE, CITY OF (LINN CO.)	APRIL 01, 1977
190461	STACYVILLE, CITY OF (MITCHELL CO.)	MARCH 26, 1976
190807	STANHOPE, CITY OF (HAMILTON)	AUGUST 13, 1976
190333	STANLEY, CITY OF (BUCHANAN CO.)	JUNE 25, 1976
190056A	STANWOOD, CITY OF (CEDAR CO.)	AUGUST 09, 1974 AND MAY 14, 1976

* UNINCORPORATED AREAS ONLY

IOWA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190660	STATE CENTER, CITY OF (MARSHALL CO.)	AUGUST 13, 1976
190141	STEAMBOAT ROCK, CITY OF (HARDIN CO.)	JANUARY 03, 1975
190808	STOCKPORT, CITY OF (VAN BUREN)	MARCH 26, 1976
190469	STOCKTON, CITY OF (MUSCATINE CO.)	NOVEMBER 19, 1976
190662	STRAWBERRY POINT, TOWN (CLAYTON CO)	APRIL 16, 1976 AND
		APRIL 16, 1976
190663	STUART, CITY OF (ADAIR-GUTHRIE COS.)	MARCH 26, 1976
190802	ST. CHARLES, CITY OF (MADISON CO.)	DECEMBER 10, 1976
190809	SWALEDALE, CITY OF (CERRO GORDO)	AUGUST 13, 1976
190664	SWEA CITY, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
190810	SWISHER, CITY OF (JOHNSON CO.)	AUGUST 13, 1976
190665	TABOR, CITY OF (FREMONT-MILLS COS.)	JULY 02, 1976
190666	THOMPSON, CITY OF (WINNEBAGO CO.)	SEPTEMBER 19, 1975
190813	THOR, TOWN OF (HUMBOLDT CO.)	SEPTEMBER 13, 1977
190173	TIFFIN, CITY OF (JOHNSON CO.)	NOVEMBER 22, 1974
190667	TOLEDO, CITY (TAMA CO)	SEPTEMBER 12, 1975
190816	TREYNOR, CITY OF (POTTAWATTAMIE CO.)	MARCH 26, 1976
190669	TRIPOL, CITY (BREMER CO)	MARCH 26, 1976
190671A	UNIVERSITY PARK, TOWN (MAHASKA CO)	MARCH 19, 1976
190672	URBANA, CITY OF (BENTON CO.)	NOVEMBER 19, 1976
190464	UTE, CITY OF (MONONA CO.)	MARCH 19, 1976
190673	VAN HORNE, CITY (BENTON CO)	MARCH 26, 1976
190362	VAN METER, CITY OF (DALLAS CO.)	SEPTEMBER 26, 1975
190674	VENTURA, CITY OF (CERRO GORDO CO.)	NOVEMBER 05, 1976
190468	VILLISICA, CITY OF (MONTGOMERY CO.)	AUGUST 13, 1976
190819A	VINCENT, CITY OF (WEBSTER CO.)	JUNE 03, 1977
190380	WADENA, CITY OF (FAYETTE CO.)	AUGUST 13, 1976
190675	WALCOTT, CITY (MUSCATINE-SCOTT COS)	JULY 09, 1976
190820	WALFORD, CITY OF (BENTON CO.)	AUGUST 13, 1976
190445	WALKER, CITY OF (LINN CO.)	OCTOBER 29, 1976
190676	WALNUT, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190317	WATERVILLE, CITY OF (ALLAMAKEE CO.)	APRIL 16, 1976 AND
		APRIL 16, 1976
190381	WAUCOMA, CITY OF (FAYETTE CO.)	JULY 30, 1976
190678	WAUKEE, CITY (DALLAS CO)	MARCH 26, 1976
190831A	WEBSTER COUNTY	AUGUST 02, 1977
190276	WELLMAN, CITY OF (WASHINGTON CO.)	APRIL 30, 1976
190680	WELLSBURG, CITY OF (GRUNDY CO.)	OCTOBER 08, 1976
190681	WESLEY, CITY OF (KOSSUTH CO.)	AUGUST 13, 1976
190824	WEST OKOBOJI, CITY OF (DICKINSON CO.)	OCTOBER 29, 1976
190683	WEST POINT, CITY (LEE CO)	JULY 30, 1976
190482	WESTFIELD, CITY OF (PLYMOUTH CO.)	AUGUST 13, 1976
190823	WESTGATE, CITY OF (FAYETTE)	OCTOBER 29, 1976
190090B	WHEATLAND, CITY OF (CLINTON CO.)	JUNE 28, 1974 AND
		APRIL 02, 1976
190684	WHITING, CITY (MONONA CO)	JUNE 07, 1977
190686	WILTON, CITY OF (MUSCATINE CO.)	JULY 02, 1976
190915A	WINNEBAGO COUNTY *	OCTOBER 22, 1976
190690	WINTHROP, CITY (BUCHANAN CO)	JULY 26, 1977
190350	WIOTA, CITY OF (CASS CO.)	JULY 16, 1976
190410	WODEN, CITY OF (HANCOCK CO.)	JUNE 25, 1976
190070	WOODBURN, CITY OF (CLARKE CO.)	APRIL 30, 1976
190827	WOOLSTOCK, CITY OF (WRIGHT CO.)	DECEMBER 20, 1974
190474	YORKTOWN, CITY OF (PAGE CO.)	JUNE 25, 1976
190371	ZWINGLE, CITY OF (DUBUQUE CO.)	OCTOBER 08, 1976
		NOVEMBER 05, 1976
	TOTAL IN THE STATE	356

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	KANSAS	HAZARD AREA IDENTIFIED		
200568A	ALLEN COUNTY *		MAY	24, 1977	
200380	ALTA VISTA, CITY (WABAUNSEE CO.)		MARCH	19, 1976	
200381	ALTON, CITY (OSBORNE CO.)		MARCH	19, 1976	
200382	ALTOONA, CITY (WILSON CO.)		JULY	30, 1976	
200384	ARCADIA, CITY (CRAWFORD CO.)		AUGUST	15, 1975	
200404	ARLINGTON, CITY (RENO CO.)		SEPTEMBER	26, 1975	
200465	ARMA, CITY (CRAWFORD CO.)		MARCH	26, 1976	
200009A	ATCHISON COUNTY		MAY	31, 1977	
200387A	AXTELL, CITY (MARSHALL CO.)		MARCH	26, 1976	AND
			AUGUST	20, 1976	
200388	BARNES, CITY (WASHINGTON CO.)		AUGUST	22, 1975	
200016A	BARTON COUNTY		AUGUST	02, 1977	
200389	BEATTIE, CITY (MARSHALL CO.)		AUGUST	29, 1975	
200467	BENNINGTON, CITY (OTTAWA CO.)		MARCH	26, 1976	
200469	BIRD CITY, CITY (CHEYENNE CO.)		JULY	30, 1976	
200391	BISON, CITY OF (RUSH CO.)		AUGUST	29, 1975	
200470	BLUE RAPIDS, CITY (MARSHALL CO.)		MARCH	26, 1976	
200128	BLUFF CITY, CITY OF (HARPER CO.)		DECEMBER	27, 1974	
200392A	BREWSTER, CITY OF (THOMAS CO.)		JULY	16, 1976	AND
			DECEMBER	24, 1976	
200393	BRONSON, CITY OF (BOURBON CO.)		JULY	18, 1975	
200026A	BROWN COUNTY		MAY	17, 1977	
200396	BURDETT, CITY (PAWNEE CO)		MARCH	26, 1976	
200249A	BURLINGAME, CITY OF (OSAGE CO.)		DECEMBER	24, 1976	
200397	BURNS, CITY (MARION CO)		MARCH	26, 1976	
200474	CALDWELL, CITY (SUMNER CO.)		SEPTEMBER	19, 1975	
200475	CANTON, CITY (MCPHERSON CO.)		APRIL	23, 1976	
200040	CHASE COUNTY		SEPTEMBER	13, 1977	
200478	CHENEY, CITY (SEDGWICK CO.)		MARCH	26, 1976	
200044A	CHEROKEE COUNTY		MAY	10, 1977	
200479	CHEROKEE, CITY (CRAWFORD CO.)		MARCH	26, 1976	
200480	CHETOPA, CITY (LABETTE CO.)		SEPTEMBER	19, 1975	
200058A	CLOUD COUNTY		AUGUST	23, 1977	
200062A	COFFEY COUNTY		AUGUST	23, 1977	
200004	COLONY, CITY OF (ANDERSON CO.)		DECEMBER	20, 1974	
200486	COTTONWOOD FALLS, CITY (CHASE CO.)		MARCH	26, 1976	
200399	COURTLAND, CITY OF (REPUBLIC CO.)		MAY	21, 1976	
200563A	COWLEY COUNTY		JULY	19, 1977	
200403	DEARING, CITY (MONTGOMERY CO.)		JULY	25, 1975	
200575A	DICKINSON COUNTY *		JUNE	21, 1977	
200405	DORRANCE, CITY (RUSSELL CO.)		AUGUST	13, 1976	
200489	DOUGLAS, CITY (BUTLER CO.)		JULY	18, 1975	
200490	DOWNS, CITY (OSBORNE CO.)		NOVEMBER	26, 1976	
200235	DUNLAP, CITY (MORRIS CO)		JANUARY	03, 1975	
200406	DWIGHT, CITY (MORRIS CO.)		SEPTEMBER	19, 1975	
200491	EASTBOROUGH, CITY (SEDGWICK CO.)		SEPTEMBER	19, 1975	
200408	ELK CITY, CITY OF (MONTGOMERY CO.)		OCTOBER	29, 1976	
200236A	ELKHART, CITY OF (MORTON CO.)		MAY	24, 1974	AND
			DECEMBER	05, 1975	
200271	EMMETT, CITY OF (MIAMI CO.)		DECEMBER	20, 1974	
200050	ENGLEWOOD, CITY (CLARK CO)		JULY	16, 1976	
200409	ENSIGN, CITY (GRAY CO.)		MARCH	26, 1976	
200492	ENTERPRISE, CITY (DICKINSON CO.)		APRIL	23, 1976	
200410	ESBON, CITY (JEWELL CO.)		AUGUST	29, 1975	
200493	ESKRIDGE, CITY (WABAUNSEE CO.)		AUGUST	22, 1975	
200028	FAIRVIEW, CITY OF (BROWN CO.)		NOVEMBER	08, 1974	
200494	FLORENCE, CITY (MARION CO.)		AUGUST	06, 1976	
200411	FORD, CITY (FORD CO.)		MARCH	26, 1976	
200495	FOWLER, CITY (MEADE CO.)		JULY	30, 1976	
200565A	FRANKLIN COUNTY		AUGUST	16, 1977	
200496	FRONTENAC, CITY (CRAWFORD CO.)		JULY	30, 1976	
200024	FULTON, CITY (BOURBON CO)		JANUARY	10, 1975	
200412	GARFIELD, CITY (PAWNEE CO.)		JUNE	04, 1976	
200342	GAYLORD, CITY OF (SMITH CO.)		DECEMBER	27, 1974	
200413	GENESEO, CITY (RICE CO.)		APRIL	23, 1976	

* UNINCORPORATED AREAS ONLY

KANSAS —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200414	GEUDA SPRINGS, CITY (COWLEY-SUMNER COS)	SEPTEMBER 12, 1975
200227	GLEN ELDER, CITY OF (MITCHELL CO.)	DECEMBER 27, 1974
200206	GOESSEL, CITY OF (MARION CO.)	NOVEMBER 22, 1974
200239A	GOFF, CITY OF (NEMAHA CO.)	NOVEMBER 08, 1974 AND DECEMBER 26, 1975
200006	GREELEY, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200501	GREENBURG, CITY OF (KIOWA CO.)	JULY 30, 1976
200418	GRENOLA, CITY (ELK CO.)	SEPTEMBER 26, 1975
200064	GRIDLEY, CITY OF (COFFEY CO.)	NOVEMBER 22, 1974
200355	HADDAM, CITY OF (WASHINGTON CO.)	DECEMBER 27, 1974
200029	HAMLIN, CITY (BROWN CO)	SEPTEMBER 19, 1975
200421	HARDTNER, CITY (BARBER CO.)	AUGUST 15, 1975
200422	HARTFORD, CITY (LYON CO.)	SEPTEMBER 26, 1975
200352	HARVEYVILLE, CITY OF (WABAUNSEE CO.)	NOVEMBER 08, 1974
200504	HAVILAND, CITY (KIOWA CO)	AUGUST 22, 1975
200081	HIGHLAND, CITY OF (DONIPHAN CO.)	APRIL 23, 1976
200506	HOLYROOD, CITY (ELLSWORTH CO.)	AUGUST 08, 1975
200424	HOPE, CITY (DICKINSON CO.)	SEPTEMBER 19, 1975
200508	HOXIE, CITY (SHERIDAN CO.)	JUNE 18, 1976
200118	INGALLS, CITY OF (GRAY CO.)	DECEMBER 20, 1974
200425	IUKA, CITY (PRATT CO.)	SEPTEMBER 26, 1975
200619A	JACKSON COUNTY *	MAY 31, 1977
200426	JAMESTOWN, CITY (CLOUD CO.)	APRIL 30, 1976
200147A	JEFFERSON COUNTY	AUGUST 16, 1977
200159A	JOHNSON COUNTY	SEPTEMBER 06, 1977
200588A	KEARNY COUNTY *	JULY 12, 1977
200429	KECHI, CITY (SEDGWICK CO.)	APRIL 23, 1976
200512	KENSINGTON, CITY (SMITH CO.)	AUGUST 22, 1975
200007	KINCAID, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200329	KISMET, CITY OF (SEWARD CO.)	NOVEMBER 22, 1974
200196A	LA CYGNE, CITY OF (LINN CO.)	MARCH 15, 1974 AND DECEMBER 26, 1975
200103	LANE, CITY OF (FRANKLIN CO.)	DECEMBER 27, 1974
200343	LEBANON, CITY OF (SMITH CO.)	DECEMBER 20, 1974
200065	LEBO, CITY OF (COFFEY CO.)	APRIL 23, 1976
200247	LENORA, CITY (NORTON CO)	NOVEMBER 19, 1976
200516	LEON, CITY (BUTLER CO.)	MARCH 26, 1976
200517	LEOTI, CITY (WICHITA CO.)	NOVEMBER 05, 1976
200066A	LEROY, CITY OF (COFFEY CO.)	DECEMBER 28, 1973 AND OCTOBER 24, 1975
200518	LEWIS, CITY (EDWARDS CO.)	MARCH 26, 1976
200309	LIEBENTHAL, CITY (RUSH CO)	JANUARY 03, 1975
200431	LINN, CITY (WASHINGTON CO.)	SEPTEMBER 05, 1975
200272	LOUISVILLE, CITY OF (POTTAWATOMIE CO.)	DECEMBER 06, 1974
200519	LUCAS, CITY (RUSSELL CO.)	JULY 02, 1976
200433	LURAY, CITY (RUSSELL CO.)	JULY 02, 1976
200435	MACKSVILLE, CITY (STAFFORD CO.)	AUGUST 06, 1976
200520	MAIZE, CITY (SEDGWICK CO.)	OCTOBER 29, 1976
200436	MAPLE HILL, CITY (WABAUNESE CO.)	NOVEMBER 05, 1976
200116A	MARLAND, CITY OF (GRAHAM CO)	MARCH 11, 1977
200210A	MARSHALL COUNTY	JUNE 28, 1977
200310	MCCRACKEN, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200214A	MCPHERSON COUNTY	JUNE 28, 1977
200437	MELVERN, CITY OF (OSAGE CO.)	JULY 30, 1976
200149	MERIDEN, CITY (JEFFERSON CO)	NOVEMBER 05, 1976
200220A	MIAMI COUNTY	JUNE 07, 1977
200537	MILTONVALE, CITY (CLOUD CO.)	MAY 07, 1976
200538	MINNEAPOLIS, CITY (OTTAWA CO.)	AUGUST 06, 1976
200172	MISSION WOODS, CITY (JOHNSON CO)	OCTOBER 01, 1976
200540	MORAN, CITY (ALLEN CO.)	MARCH 26, 1976
200055	MORGANVILLE, CITY OF (CLAY CO.)	DECEMBER 20, 1974
200032	MORRILL, CITY OF (BROWN CO.)	NOVEMBER 22, 1974
200356	MORROWVILLE, CITY OF (WASHINGTON CO.)	DECEMBER 06, 1974
200197A	MOUND CITY, CITY OF (LINN CO.)	MARCH 01, 1974 AND NOVEMBER 21, 1975 APRIL 16, 1976

* UNINCORPORATED AREAS ONLY

KANSAS —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200440	MULLINVILLE, CITY (KIOWA CO.)	AUGUST 29, 1975
200014A	MUSCOTAH, CITY OF (ATCHISON CO.)	NOVEMBER 22, 1974 AND JULY 09, 1976
200237	NEMAHA COUNTY	JULY 05, 1977
200360	NEOSHO FALLS, CITY OF (WOODSON CO)	JANUARY 31, 1975
200204	NEOSHO RAPIDS, CITY (LYON CO)	JANUARY 03, 1975
200542	NORTH NEWTON, CITY (HARVEY CO.)	NOVEMBER 05, 1976
200150A	NORTONVILLE, CITY OF (JEFFERSON CO.)	MARCH 01, 1974 AND JUNE 18, 1976
200543	OAKLEY, CITY (LOGAN CO.)	JULY 02, 1976
200444	OLPE, CITY (LYON CO.)	SEPTEMBER 26, 1975
200544	ONAGA, CITY (POTTAWATOMIE CO.)	AUGUST 13, 1976
200252A	OSAGE CITY, CITY OF (OSAGE CO)	MARCH 01, 1974 AND FEBRUARY 28, 1975
200601	OSAGE COUNTY *	AUGUST 09, 1977
200545	OSWEGO, CITY (LABETTE CO.)	SEPTEMBER 19, 1975
200547	OXFORD, CITY (SUMNER CO.)	AUGUST 08, 1975
200357	PALMER, CITY OF (WASHINGTON CO.)	DECEMBER 20, 1974
200198	PARKER, CITY OF (LINN COU)	FEBRUARY 07, 1975
200446	PARTRIDGE, CITY (RENO CO.)	DECEMBER 17, 1976
200447	PERU, CITY (CHAUTAUQUA CO.)	SEPTEMBER 26, 1975
200199	PLEASANTON, CITY (LINN CO)	JULY 02, 1976
200105A	POMONA, CITY OF (FRANKLIN CO.)	FEBRUARY 08, 1974 AND DECEMBER 26, 1975
200448	POTWIN, CITY (BUTLER CO.)	SEPTEMBER 26, 1975
200200	PRESCOTT, CITY (LINN CO)	APRIL 23, 1976
200449	PRESTON, CITY (PRATT CO.)	OCTOBER 29, 1976
200106	PRINCETON, CITY (FRANKLIN CO.)	MAY 28, 1976
200550	PROTECTION, CITY OF (COMANCHE CO.)	JULY 02, 1976
200522	QUINTER, CITY (GOVE CO.)	DECEMBER 24, 1976
200450	RANSOM, CITY (NESS CO.)	NOVEMBER 12, 1976
200567A	RENO COUNTY	AUGUST 16, 1977
200288	REPUBLIC, CITY OF (REPUBLIC CO.)	DECEMBER 06, 1974
200290A	RICE COUNTY	MAY 10, 1977
200453	ROLLA, CITY (MORTON CO.)	MARCH 26, 1976
200312	RUSH CENTER, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200315B	RUSSELL, CITY OF (RUSSELL CO.)	FEBRUARY 08, 1974 AND NOVEMBER 08, 1974
200455	SCAMMON, CITY (CHEROKEE CO.)	SEPTEMBER 19, 1975
200097	SCHOENCHEN, CITY (ELLIS CO)	JANUARY 17, 1975
200528	SEDAN, CITY (CHAUTAUGUA CO.)	AUGUST 22, 1975
200083	SEVERANCE, CITY OF (DONIPHAN CO.)	DECEMBER 20, 1974
200457A	SEVERY, CITY (GREENWOOD CO.)	SEPTEMBER 26, 1975 AND JUNE 11, 1976
200606	SEWARD COUNTY *	SEPTEMBER 13, 1977
200458	SHARON, CITY (BARBER CO.)	AUGUST 22, 1975
200459	SOUTH HAVEN, CITY (SUMNER CO)	SEPTEMBER 19, 1975
200531	SPEARVILLE, CITY (FORD CO.)	SEPTEMBER 19, 1975
200178	SPRING HILL, CITY OF (JOHNSON CO.)	FEBRUARY 06, 1976
200532	STAFFORD, CITY (STAFFORD CO.)	MARCH 26, 1976
200524	ST. FRANCIS, CITY (CHEYENNE CO.E)	SEPTEMBER 19, 1975
200274	ST. GEORGE, CITY (POTTAWATOMIE CO)	JANUARY 03, 1975
200526	ST. PAUL, CITY (NEOSHO CO.)	SEPTEMBER 19, 1975
200460	SUMMERFIELD, CITY (MARSHALL CO.)	JULY 02, 1976
200365	THAYER, CITY (NEOSHO CO)	JULY 02, 1976
200367	TORONTO, CITY (WOODSON CO)	SEPTEMBER 19, 1975
200534	TOWANDA, CITY (BUTLER CO.)	AUGUST 08, 1975
200368	TREECE, CITY (CHEROKEE CO)	MARCH 26, 1976
200370	TYRO, CITY (MONTGOMERY CO)	JULY 25, 1975
200551	ULYSSES, CITY (GRANT CO.)	NOVEMBER 05, 1976
200154A	VALLEY FALLS, CITY OF (JEFFERSON CO.)	OCTOBER 10, 1975
200556	WATERVILLE, CITY (MARSHALL CO.)	AUGUST 29, 1975
200557	WEIR, CITY (CHEROKEE CO.)	SEPTEMBER 19, 1975
200558	WEST PLAINS, CITY (MEADE CO.)	JUNE 18, 1976

* UNINCORPORATED AREAS ONLY

KANSAS —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200277A	WESTMORELAND, CITY OF (POTTAWATOME CO.)	MARCH 08, 1974 AND DECEMBER 26, 1975
200008	WESTPHALIA, CITY (ANDERSON CO)	DECEMBER 20, 1974
200086	WHITE CLOUD, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974
200559	WHITEWATER, CITY (BUTLER CO.)	SEPTEMBER 19, 1975
200146	WHITING, CITY OF (JACKSON CO.)	NOVEMBER 29, 1974
200617A	WILSON COUNTY *	JUNE 07, 1977
200379	WOODSTON, CITY (ROOKS CO)	SEPTEMBER 26, 1975
	TOTAL IN THE STATE 188	

KENTUCKY

210267	ALLEN COUNTY	JUNE 24, 1977
210268A	BALLARD COUNTY	APRIL 08, 1977
210334	BARREN COUNTY *	AUGUST 19, 1977
210008A	BATH COUNTY	APRIL 01, 1977
210106A	BERRY, TOWN OF (HARRISON CO.)	AUGUST 16, 1974 AND FEBRUARY 20, 1976
210187A	BOONEVILLE, CITY OF (OWSLEY CO.)	FEBRUARY 01, 1974 AND FEBRUARY 20, 1976
210021	BRACKEN COUNTY	JUNE 10, 1977
210161A	BRADFORDSVILLE, CITY OF (MARION CO.)	MAY 10, 1974 AND FEBRUARY 20, 1976
210201A	BRODHEAD, CITY OF (ROCK CASTLE CO.)	MAY 17, 1974 AND FEBRUARY 27, 1976
210236	BROWNSVILLE, CITY (EDMONSON CO)	OCTOBER 08, 1976
210273A	BULLITT COUNTY	MAY 20, 1977
210154A	CALHOUN, TOWN OF (MCLEAN CO.)	FEBRUARY 01, 1974
210042	CARLISLE COUNTY *	OCTOBER 18, 1974 AND JULY 19, 1977
210045A	CARROLL COUNTY	FEBRUARY 25, 1977
210053	CASEY COUNTY *	DECEMBER 13, 1974 AND JUNE 03, 1977
210277	CHRISTIAN COUNTY	JUNE 24, 1977
210057	CLAY COUNTY *	DECEMBER 27, 1974 AND JULY 15, 1977
210327	CLINTON COUNTY	JULY 15, 1977
210111A	CLINTON, TOWN OF (HICKMAN CO.)	MAY 17, 1974 AND SEPTEMBER 24, 1976
210060	CUMBERLAND COUNTY	JANUARY 03, 1975 AND DECEMBER 16, 1977
210317	DEXTER, CITY OF (CALLOWAY CO.)	OCTOBER 01, 1976
210038B	FORT THOMAS, CITY OF (CAMPBELL CO.)	JANUARY 25, 1974 AND JUNE 25, 1976
210272A	FOSTER, CITY (BRACKEN CO)	AUGUST 01, 1975 AND JUNE 03, 1977
210281	GALLATIN CO.	SEPTEMBER 03, 1976
210081	GARRARD COUNTY *	OCTOBER 18, 1974 AND JUNE 03, 1977
210251	GILBERTSVILLE, CITY (MARSHALL CO.)	JULY 25, 1975
210078A	GLENCOE, CITY OF (GALLATIN CO.)	FEBRUARY 01, 1974 AND JUNE 04, 1976
210094	HARDIN COUNTY *	OCTOBER 18, 1974 AND JULY 22, 1977
210303A	HARDIN, CITY OF (MARSHALL CO.)	JUNE 14, 1974 AND AUGUST 13, 1976
210329	HARRISON COUNTY *	AUGUST 26, 1977
210257	HART COUNTY	JULY 08, 1977
210266	HENDERSON COUNTY	JUNE 24, 1977
210110	HENRY COUNTY *	OCTOBER 18, 1974 AND MAY 20, 1977

* UNINCORPORATED AREAS ONLY

KENTUCKY —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
210077A	HICKMAN, CITY OF (FULTON CO)	JUNE 28, 1974 AND JUNE 04, 1976
210112A	HOPKINS COUNTY *	OCTOBER 18, 1974 AND APRIL 23, 1976
210134	LAUREL COUNTY *	DECEMBER 27, 1974 AND NOVEMBER 25, 1977
210085A	LEITCHFIELD, TOWN OF (GRAYSON CO.)	MAY 10, 1974 AND SEPTEMBER 03, 1976
210324	LESLIE COUNTY *	JULY 29, 1977
210289	LETCHER COUNTY	SEPTEMBER 02, 1977
210325	LINCOLN COUNTY *	AUGUST 26, 1977
210341	LOGAN COUNTY *	SEPTEMBER 09, 1977
210342	MADISON COUNTY *	AUGUST 26, 1977
210158	MAGOFFIN COUNTY	AUGUST 26, 1977
210160	MARION COUNTY	JUNE 10, 1977
210259	MASON COUNTY	DECEMBER 31, 1976
210233A	MCHENRY, TOWN OF (OHIO CO.)	OCTOBER 25, 1974
210153	MCLEAN COUNTY *	DECEMBER 06, 1974 AND MAY 20, 1977
210169A	MEADE COUNTY	MAY 13, 1977
210293A	MUHLENBERG COUNTY	MAY 13, 1977
210186	OWEN COUNTY *	OCTOBER 18, 1974 AND MAY 27, 1977
210296	OWSLEY COUNTY	JUNE 17, 1977
210297	PENDLETON COUNTY *	JULY 30, 1976
210197	PULASKI COUNTY	JULY 22, 1977
210200A	ROBERTSON COUNTY	MARCH 25, 1977
210245A	ROCKPORT, TOWN OF (OHIO CO.)	FEBRUARY 01, 1974
210205	RUSSELL COUNTY	JULY 15, 1977
210260	SADIEVILLE, CITY (SCOTT CO)	JANUARY 03, 1975
210209	SHELBY COUNTY *	OCTOBER 18, 1974 AND JULY 15, 1977
210294	SOUTH CARROLLTON, CITY (MUHLENBERG CO)	JULY 25, 1975
210276	SOUTHGATE, CITY (CAMPBELL CO)	AUGUST 01, 1975
210320	ST. CHARLES, TOWN OF (HOPKINS CO.)	AUGUST 13, 1976
210212	TAYLOR COUNTY *	OCTOBER 18, 1974 AND JUNE 03, 1977
210315	TRIGG COUNTY *	AUGUST 26, 1977
210300A	TRIMBLE COUNTY	JANUARY 14, 1977
210218A	UNIONTOWN, TOWN OF (UNION CO.)	MAY 17, 1974
210270	UNION, TOWN (BOONE CO)	AUGUST 01, 1975
210231	VERSAILLES, CITY (WOODFORD CO)	JULY 29, 1977
210096A	VINE GROVE, CITY OF (HARDIN CO.)	MAY 17, 1974 AND MARCH 05, 1976
210248A	WHEAT CROFT, TOWN OF (WEBSTER CO.)	FEBRUARY 15, 1974 AND MARCH 05, 1976
210307	WINSTON PARK, TOWN OF (KENTON CO.)	JANUARY 23, 1974
	TOTAL IN THE STATE	70

LOUISIANA

220114A	ALBANY, VILLAGE OF (LIVINGSTON PARISH)	APRIL 12, 1974 AND OCTOBER 15, 1976
220009A	ALLEN PARISH	JUNE 07, 1977
220231	ANGIE, VILLAGE (WASHINGTON PARISH)	JANUARY 03, 1975
220263	ASHLAND, TOWN (NATCHITOCHES PARISH)	AUGUST 13, 1976
220354	ATHENS, VILLAGE OF (CLAIBORNE PARISH)	FEBRUARY 21, 1975
220373A	BALL, CITY OF (RAPIDES PARISH)	APRIL 08, 1977
220026A	BEAUREGARD PARISH	JANUARY 17, 1975 AND AUGUST 23, 1977

* UNINCORPORATED AREAS ONLY

LOUISIANA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
220316	BONITA VIL (MOREHOUSE CO)	AUGUST 22, 1975
220318	CHATHAM TOWN (JACKSON CO)	SEPTEMBER 19, 1975
220320	CLARKS VIL (CALDWELL CO)	AUGUST 15, 1975
220268	CONVERSE VIL (SABINE PARISH)	AUGUST 29, 1975
220322A	COTTON VALLEY TOWN (WEBSTER CO)	JANUARY 14, 1977
220236A	DOYLINE, VILLAGE OF (WEBSTER PARISH)	APRIL 05, 1974 AND OCTOBER 17, 1975
220323A	DUBACH TOWN (LINCOLN CO)	APRIL 01, 1977
220324	ELIZABETH TOWN (ALLEN CO)	JULY 25, 1975
220283	EPPS VIL (WEST CARROLL CO)	JUNE 04, 1976
220284	EVERGREEN, VILLAGE OF (AVOYELLES PARISH)	SEPTEMBER 26, 1975
220325	FARMERVILLE TOWN (UNION CO)	MAY 02, 1975
220326	FLORIEN VIL (SABINE PARISH)	JULY 25, 1975
220285	FOLSOM VIL (ST. TAMMANY CO)	JULY 18, 1975
220287	FOREST HILL VIL (RAPIDES CO)	NOVEMBER 12, 1976
220286	FOREST VIL (WEST CARROLL CO)	NOVEMBER 26, 1976
220117A	FRENCH SETTLEMENT, VILLAGE OF (LIVINGSTON PAR.)	OCTOBER 25, 1974 AND MARCH 12, 1976
220290	GOLDONNA VIL (NATCHITOCHES CO)	SEPTEMBER 19, 1975
220328	GRAMBLING VIL (LINCOLN CO)	NOVEMBER 19, 1976
220291	GRAND CANE VIL (DE SOTO CO)	MAY 02, 1975
220329	GRAYSON VIL (CALDWELL CO)	AUGUST 13, 1976
220292	GREENWOOD TOWN (CADDO CO)	APRIL 23, 1976
220293	HEFLIN VIL (WEBSTER CO)	MARCH 26, 1976
220294	HESSMER, VILLAGE (AVOYELLES CO.)	NOVEMBER 19, 1976
220331	HODGE VIL (JACKSON CO)	JULY 11, 1975
220332	HORNBECK VIL (VERNON CO)	AUGUST 15, 1975
220334	JENA TOWN (LA SALLE CO)	DECEMBER 24, 1976
220335	JUNCTION CITY, CITY (CLAIBORNE-UNION CO)	JULY 18, 1975
220297	KEATCHIE TOWN (DE SOTO CO)	NOVEMBER 12, 1976
220298	KILBOURNE VIL (WEST CARROLL CO)	JUNE 11, 1976
220118	LIVINGSTON, VILLAGE (LIVINGSTON PARISH)	SEPTEMBER 19, 1975 AND DECEMBER 27, 1977
220336	LOGANSPORT TOWN (DE SOTO CO)	AUGUST 15, 1975
220372	MARTIN, VILLAGE OF (RED RIVER PARISH)	NOVEMBER 12, 1976
220299A	MCNARY TOWN (RAPIDES CO)	APRIL 23, 1976 AND DECEMBER 17, 1976
220256	MONTGOMERY, TOWN (GRANT PARISH)	SEPTEMBER 19, 1975
220339	MOORINGSPORT TOWN (CADDO CO)	JUNE 25, 1976
220340	NEWLLANO, VILLAGE (VERNON PARISH)	APRIL 09, 1976
220301	NOBLE VIL (SABINE PARISH)	AUGUST 13, 1976
220341	NORTH HODGE VIL (JACKSON CO)	NOVEMBER 05, 1976
220012A	OBERLIN, CITY OF (ALLEN PARISH)	JUNE 21, 1974 AND NOVEMBER 14, 1975
220343	OLLA VIL (LA SALLE CO)	NOVEMBER 12, 1976
220244	PIONEER, VILLAGE (W. CARROLL PARISH)	JUNE 04, 1976
220344	PLEASANT HILLS, VILLAGE OF (SABINE PARISH)	MAY 06, 1976
220305	POLLOCK, VILLAGE OF (GRANT PARISH)	AUGUST 15, 1975
220306	POWHATAN VIL (NATCHITOCHES CO)	OCTOBER 29, 1976
220307	REEVES VIL (ALLEN CO)	AUGUST 15, 1975
220309	SALINE VIL (BIENVILLE CO)	JUNE 25, 1976
220258	SIBLEY, VILLAGE OF (WEBSTER PARISH)	FEBRUARY 07, 1975
220310	SIKES, VILLAGE OF (WINN PARISH)	APRIL 25, 1975
220311	SIMPSON VIL (VERNON CO)	AUGUST 08, 1975
220259	SLAUGHTER, TOWN (E. FELICIANA PAR)	SEPTEMBER 19, 1975
220205A	SUN, VILLAGE OF (ST. TAMMANY PARISH)	AUGUST 30, 1974 AND APRIL 16, 1976
220350	TULLOS TOWN (LA SALLE CO)	JUNE 11, 1976
220069A	TURKEY CREEK, VILLAGE OF (EVANGELINE PARISH)	AUGUST 30, 1974 AND OCTOBER 31, 1975
220359	UNION PARISH	SEPTEMBER 13, 1977
220234A	VARNADO, VILLAGE OF (WASHINGTON PARISH)	OCTOBER 25, 1974 AND APRIL 30, 1976
220228A	VERNON PARISH	JULY 26, 1977
220351	VIVIAN TOWN (CADDO CO)	MARCH 26, 1976
220260	WOODWORTH, VIL (RAPIDES PARISH)	MARCH 26, 1976

TOTAL IN THE STATE 65

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230083	ALNA, TOWN (LINCOLN CO)	JANUARY 03, 1975
230272	AMHERST, TOWN (HANCOCK CO)	JANUARY 24, 1975
230208	ARROWSIC, TOWN (SAGADAHOC CO)	JANUARY 17, 1975
230345A	AVON, TOWN (FRANKLIN CO)	JANUARY 14, 1977
230200A	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY 14, 1975 AND DECEMBER 13, 1977
230252	BELMONT, TOWN (WALDO CO)	MARCH 14, 1975
230144A	BERWICK, TOWN OF (YORK CO.)	AUGUST 09, 1974 AND JULY 30, 1976
230119A	BOWDOINHAM, TOWN OF (SAGADAHOC CO.)	DECEMBER 03, 1976
230913	BOWDOIN, TOWN OF (SAGADAHOC CO.)	DECEMBER 17, 1976
230275	BROOKLIN, TOWN (HANCOCK CO)	DECEMBER 24, 1976
230374	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230375	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY 28, 1975
230376	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230437	CHARLOTTE, TOWN (WASHINGTON CO)	DECEMBER 17, 1976
230378	CLIFTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230380	CORINTH, TOWN (PENOBSCOT CO)	FEBRUARY 21, 1975
230309	CRAWFORD, TOWN (WASHINGTON CO)	JANUARY 17, 1975
230162A	CUMBERLAND, TOWN (CUMBERLAND CO)	AUGUST 30, 1977
230148A	DAYTON, TOWN OF (YORK CO)	JUNE 28, 1974 AND JULY 30, 1976
230279	DEDHAM, TOWN (HANCOCK CO)	APRIL 18, 1975
230313	EAST MACHIAS, TOWN OF (WASHINGTON CO.)	FEBRUARY 11, 1977
230217A	EDGECOMB, TOWN (LINCOLN CO)	JANUARY 03, 1975 AND APRIL 23, 1976
230237	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER 29, 1974
230225	FRIENDSHIP, TOWN (KNOX CO)	JANUARY 03, 1975
230209A	GEORGETOWN, TOWN (SAGADAHOC CO)	JANUARY 28, 1977
230166	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230388	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230425	HERSEY, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230393	LAGRANGE, TOWN OF (PENOBSCOT CO.)	FEBRUARY 28, 1975
230912A	LE VANTE, TOWN OF (PENOBSCOT CO.)	APRIL 29, 1977
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY 07, 1975
230428	LITTLETON, TOWN OF (AROOSTOOK CO.)	MARCH 21, 1975
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230429	LUDLOW, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230286	MARIAVILLE, TOWN (HANCOCK CO)	MARCH 14, 1975
230176A	MERCER, TOWN OF (SOMERSET CO.)	JANUARY 31, 1975 AND SEPTEMBER 24, 1976
230261A	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY 21, 1975 AND FEBRUARY 18, 1977
230363	MOOSE RIVER, TOWN (SOMERSET CO)	JANUARY 17, 1975
230218A	NEWCASTLE, TOWN OF (LINCOLN CO.)	FEBRUARY 21, 1975 AND MAY 17, 1977
230318	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230180	ORRINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230289A	OTIS, TOWN (HANCOCK CO)	APRIL 18, 1975 AND JULY 26, 1977
230412	PARKMAN, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230143A	PEMBROKE, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND OCTOBER 29, 1976
230030	PERHAM, TOWN (AROOSTOOK CO)	APRIL 18, 1975
230399A	PLYMOUTH, TOWN (PENOBSCOT CO)	APRIL 29, 1977
230264	PROSPECT, TOWN OF (WALDO)	FEBRUARY 14, 1975
230414	SEBEC, TOWN (PISCATAQUIS CO)	DECEMBER 10, 1976
230415A	SHIRLEY, TOWN (PISCATAQUIS CO)	JANUARY 24, 1975 AND NOVEMBER 29, 1977
230400	SPRINGFIELD, TOWN (PENOBSCOT CO.)	JANUARY 24, 1975
230323	STEUBEN, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230035	STOCKHOLM, TOWN (AROOSTOOK CO)	JANUARY 10, 1975
230296A	SURRY, TOWN (HANCOCK CO)	SEPTEMBER 06, 1977

MAINE—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230914	TALMADGE, TOWN OF (WASHINGTON CO.)	DECEMBER 17, 1976
230324	TOPSFIELD, TOWN (WASHINGTON CO)	MARCH 14, 1975
230248	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY 07, 1975
230403A	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY 03, 1975 AND JULY 30, 1976
230300	VERONA, TOWN OF (HANCOCK CO.)	NOVEMBER 26, 1976
230439	WALES, TOWN OF (ANDROSCOGGIN CO)	FEBRUARY 21, 1975
230082A	WASHINGTON, TOWN OF (KNOX CO.)	SEPTEMBER 06, 1974 AND OCTOBER 22, 1976
230039	WESTON, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230222A	WESTPORT, TOWN (LINCOLN CO)	JANUARY 03, 1975 AND MAY 31, 1977
230087A	WHITEFIELD, TOWN OF (LINCOLN CO.)	JULY 26, 1974 AND FEBRUARY 18, 1977
230329A	WHITNEYVILLE, TOWN (WASHINGTON CO)	JUNE 07, 1977
230404	WINN, TOWN (PENOBSCOT CO)	JANUARY 24, 1975
230223A	WISCASSET, TOWN (LINCOLN CO.)	MAY 24, 1977
230210A	WOOLWICH, TOWN (SAGADAHOC CO)	FEBRUARY 04, 1977
	TOTAL IN THE STATE	69

MARYLAND

240094A	BARNESVILLE, TOWN OF (MONTGOMERY CO.)	JANUARY 21, 1977
240131A	CHEVERLY, TOWN OF (PRINCE GEORGES CO.)	MARCH 11, 1977
240102A	DEER PARK, TOWN OF (GARRETT CO.)	NOVEMBER 08, 1974
240106	GALESTOWN, TOWN (DORCHESTER CO)	JULY 11, 1975
240115A	MARYDEL, TOWN (CAROLINE CO)	FEBRUARY 04, 1977
240162A	MIDDLETOWN, TOWN (FREDERICK CO)	JANUARY 14, 1977
240059A	QUEEN ANNE, TOWN OF (QUEEN ANNE)	AUGUST 09, 1974
240124A	SMITHBURG, TOWN (WASHINGTON CO)	JANUARY 14, 1977
240082A	WILLARDS, TOWN (WICOMICO CO.)	JANUARY 21, 1977
	TOTAL IN THE STATE	9

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
250048A	ACUSHNET, TOWN OF (BRISTOL CO.)	SEPTEMBER 06, 1974 AND OCTOBER 15, 1976
250178A	ASHBY, TOWN (MIDDLESEX CO)	APRIL 29, 1977
250134A	BLANDFORD, TOWN OF (HAMPDEN CO.)	JULY 26, 1974 AND APRIL 01, 1977
250135A	BRIMFIELD, TOWN OF (HAMPDEN CO.)	JULY 19, 1974 AND JANUARY 21, 1977
250136A	CHESTER, TOWN OF (HAMPDEN CO.)	JULY 19, 1974 AND NOVEMBER 19, 1976
250068	CHILMARK, TOWN OF (DUKES CO.)	DECEMBER 06, 1974
250191A	DUNSTABLE, TOWN OF (MIDDLESEX CO.)	NOVEMBER 29, 1974 AND JULY 16, 1976
250160A	EAST HAMPTON, TOWN OF (HAMPSHIRE CO.)	JUNE 21, 1974 AND JANUARY 14, 1977
250023	FLORIDA, TOWN (BERKSHIRE CO)	NOVEMBER 12, 1976
250305A	GARDNER, CITY OF (WORCESTER CO.)	SEPTEMBER 06, 1974 AND MARCH 12, 1976
250139A	GRANVILLE, TOWN OF (HAMPDEN CO.)	AUGUST 30, 1974 AND OCTOBER 22, 1976
250084	HAMILTON, TOWN (ESSEX CO)	NOVEMBER 26, 1976
250311A	HUBBARDSTON, TOWN OF (WORCESTER CO.)	SEPTEMBER 06, 1974 AND DECEMBER 24, 1976
250121	LEYDEN, TOWN OF (FRANKLIN COU)	FEBRUARY 07, 1975
250146	MONTGOMERY, TOWN OF (HAMPDEN CO.)	NOVEMBER 22, 1974
250032	NEW ASHFORD, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1974
250324A	OAKHAM, TOWN OF (WORCESTER CO.)	AUGUST 02, 1974 AND AUGUST 20, 1976
250125A	ORANGE, TOWN OF (FRANKLIN CO.)	MAY 27, 1977
250326A	PAXTON, TOWN OF (WORCESTER CO.)	JULY 26, 1974 AND JULY 30, 1976
250168A	PELHAM, TOWN OF (HAMPSHIRE CO.)	JUNE 28, 1974 AND DECEMBER 10, 1976
250036A	PERU, TOWN OF (BERKSHIRE CO.)	NOVEMBER 01, 1974 AND FEBRUARY 25, 1977
250169A	PLAINFIELD, TOWN OF (HAMPSHIRE CO.)	NOVEMBER 01, 1974 AND NOVEMBER 05, 1976
250126	ROWE, TOWN (FRANKLIN CO)	AUGUST 20, 1976
250101A	ROWLEY, TOWN OF (ESSEX CO.)	JULY 26, 1974 AND NOVEMBER 12, 1976
250212A	SHERBORN, TOWN (MIDDLESEX CO)	MAY 27, 1977
250128	SHUTESBURY, TOWN OF (FRANKLIN CO)	FEBRUARY 21, 1975
250151	TOLLAND, TOWN (HAMPDEN CO)	APRIL 04, 1975
255222A	TRURO, TOWN OF (BARNSTABLE CO.)	APRIL 20, 1973
250043	TYRINGHAM, TOWN OF (BERKSHIRE CO.)	NOVEMBER 29, 1974
2501308	WARWICK, TOWN (FRANKLIN CO)	JANUARY 24, 1975
250044A	WASHINGTON, TOWN OF (BERKSHIRE CO.)	NOVEMBER 01, 1974 AND OCTOBER 08, 1976
250131	WENDELL, TOWN (FRANKLIN CO)	JANUARY 17, 1975
250074	WEST TISBURY, TOWN OF (DUKES)	FEBRUARY 14, 1975
250047	WINDSOR, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1974

TOTAL IN THE STATE 33

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
260342A	AUTRAIN, TOWNSHIP (ALGER CO.)	MARCH	25, 1977	
260210A	BANGOR, TOWNSHIP (VAN BUREN CO)	JANUARY	10, 1975	AND
		JANUARY	09, 1976	
260551	BARAGA, VILLAGE (BARAGA CO)	OCTOBER	31, 1975	
260385	BARK RIVER, TOWNSHIP (DELTA CO.)	NOVEMBER	19, 1976	
260583	BARRYTON, VILLAGE (MECOSTA CO)	MAY	20, 1977	
260374	BAY MILLS, TOWNSHIP (CHIPPEWA CO.)	JUNE	17, 1977	
260357	BEAVER, TOWNSHIP (BAY CO.)	AUGUST	05, 1977	
260481	BENONA, TOWNSHIP (OCEANA CO.)	OCTOBER	15, 1976	
260192A	BERLIN, TOWNSHIP OF (ST. CLAIR CO.)	AUGUST	23, 1974	AND
		AUGUST	06, 1976	
260465A	BIG PRAIRIE, TOWNSHIP (NEWAYGO CO.)	JANUARY	14, 1977	
260027A	BLAINE, TOWNSHIP OF (BENZIE CO.)	SEPTEMBER	20, 1974	AND
		JULY	09, 1976	
260430	BOARDMAN, TOWNSHIP (KALAMAZOO CO.)	AUGUST	05, 1977	
260371	BOYNE FALLS, VILLAGE (CHARLEVOIX CO.)	OCTOBER	22, 1976	
260386	BRAMPTON, TOWNSHIP (DELTA CO.)	OCTOBER	10, 1975	
260530	BREEDSVILLE, VILLAGE (VAN BUREN CO.)	SEPTEMBER	26, 1975	
260390	BRIETUNG, TOWNSHIP (DICKINSON CO.)	MARCH	11, 1977	
260505	BROCKWAY, TOWNSHIP (ST. CLAIR CO.)	OCTOBER	24, 1975	
260335	BROOKLYN, VILLAGE (JACKSON CO.)	OCTOBER	08, 1976	
260375	BRUCE, TOWNSHIP (CHIPPEWA CO.)	JUNE	03, 1977	
260555	BUCHANAN, TOWNSHIP (BERRIEN CO)	OCTOBER	08, 1976	
260601	BYRON, VILLAGE OF (SHIAWASSEE CO.)	SEPTEMBER	19, 1975	
260597	CARO, VILLAGE (TUSCOLA CO)	OCTOBER	24, 1975	
260506	CASCO, TOWNSHIP (ST. CLAIR CO.)	MARCH	04, 1977	
260677	CASEVILLE, VILLAGE OF (HURON CO.) (HURON CO.)	AUGUST	05, 1977	
260509	CENTREVILLE, VILLAGE (ST. JOSEPH CO.)	JULY	11, 1975	
260411A	CHASELL, TOWNSHIP (HOUGHTON CO.)	FEBRUARY	04, 1977	
260599	CHELSEA, VILLAGE (WASHTENAW CO)	OCTOBER	03, 1975	
260500	CHESANING, TOWNSHIP (SAGINAW CO.)	OCTOBER	08, 1976	
260591	CHESANING, VILLAGE (SAGINAW CO)	MARCH	11, 1977	
260482	CLAYBANKS, TOWNSHIP (OCEANA CO.)	NOVEMBER	26, 1976	
260579	CLIFFORD, VILLAGE (LAPEER CO)	OCTOBER	24, 1975	
260437A	CLINTON, VILLAGE (LENAWEE CO.)	APRIL	18, 1975	AND
		OCTOBER	01, 1976	
260667	CLIO, CITY OF (GENESEE CO.)	AUGUST	05, 1977	
260195A	CLYDE, TOWNSHIP OF (ST. CLAIR CO.)	JULY	26, 1974	AND
		JUNE	04, 1976	
260433	COLUMBIAVILLE, VILLAGE (LAPEER CO.)	JULY	11, 1975	
260531	COLUMBIA, TOWNSHIP (VAN BUREN CO.)	SEPTEMBER	05, 1975	
260491	COOPERSVILLE, VILLAGE OF (OTTAWA CO.)	SEPTEMBER	26, 1975	
260454	CUSTER, VILLAGE (MASON CO.)	SEPTEMBER	26, 1975	
260350	DEEP RIVER, TOWNSHIP (ARENAC CO.)	JUNE	24, 1977	
260434A	DEERFIELD, TOWNSHIP (LAPEER CO.)	MAY	13, 1977	
260600	DEXTER, VILLAGE OF (WASHTENAW CO.)	OCTOBER	17, 1975	
260391	EATON RAPIDS, TOWNSHIP (EATON CO.)	SEPTEMBER	12, 1975	
260553	ELBERTA, VILLAGE (BENZIE CO)	SEPTEMBER	19, 1975	
260569	ELKTON, VILLAGE OF (HURON COUNTY)	OCTOBER	03, 1975	
260349	ELLSWORTH, VILLAGE (ANTRIM CO.)	APRIL	11, 1975	
260449	ELY, TOWNSHIP (MARQUETTE CO.)	MAY	20, 1977	
260387A	ESCANABA, TOWNSHIP (DELTA CO.)	MARCH	25, 1977	
260327A	EVART, CITY (OSCEOLA CO.)	APRIL	25, 1975	AND
		FEBRUARY	06, 1976	
260516	EVERGREEN, TOWNSHIP (SANILAC CO.)	OCTOBER	22, 1976	
260586A	EXETER, TOWNSHIP (MONROE CO)	OCTOBER	03, 1975	AND
		JULY	30, 1976	
260405A	FIFE LAKE, TOWNSHIP (GRAND TRAVESE CO.)	JANUARY	14, 1977	
260406	FIFE LAKE, VILLAGE (GRAND TRAVERSE CO.)	JULY	11, 1975	
260396	FLUSHING, TOWNSHIP (GENESEE CO.)	DECEMBER	10, 1976	
260062	FORD RIVER, TWP. (DELTA CO)	DECEMBER	03, 1976	
260373	FOREST, TOWNSHIP (CHEBOYGAN CO.)	MARCH	04, 1977	
260450A	FORSYTH, TOWNSHIP (MARQUETTE CO.)	MARCH	25, 1977	
260576	GALESBURG, CITY (KALAMAZOO CO)	OCTOBER	24, 1975	
260360	GILEAD, TOWNSHIP (BRANCH CO.)	NOVEMBER	26, 1976	
260525	GILFORD, TOWNSHIP (TUSCOLA CO.)	SEPTEMBER	19, 1975	
260455	GOURLEY, TOWNSHIP (MENOMINEE CO.)	OCTOBER	08, 1976	

MICHIGAN—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260440A	GREEN OAK, TOWNSHIP (LIVINGSTON CO.)	MAY 27, 1977
260570	HARBOR BEACH, CITY OF (HURON COUNTY)	JANUARY 30, 1976
260532	HARTFORD, CITY (VAN BUREN CO.)	JULY 11, 1975
260347	HEATH, TOWNSHIP (ALLEGAN CO.)	AUGUST 22, 1975
260489	HERSEY, VILLAGE (OSCEOLA CO.)	JULY 11, 1975
260485	HESPERIA, VILLAGE (OCEANA CO.)	JULY 11, 1975
260137A	HINTON, TOWNSHIP OF (MECOSTA CO.)	SEPTEMBER 06, 1974 AND JULY 23, 1976
260462	HOLLAND, TOWNSHIP (MISSAUKEE CO.)	AUGUST 01, 1975
260474	HOLLY, TOWNSHIP (OAKLAND CO.)	JUNE 24, 1977
260457A	HOLMES, TOWNSHIP (MENOMINEE CO.)	APRIL 01, 1977
260568A	HOUGHTON, CITY OF (HOUGHTON CO.)	JUNE 10, 1977
260365A	HOWARD, TOWNSHIP OF (CASS CO.)	MARCH 18, 1977
260418	HUBBARDSTON, VILLAGE (IONIA + CLINTON COS.)	SEPTEMBER 26, 1975
260493	HUDSONVILLE, CITY (OTTAWA CO.)	SEPTEMBER 05, 1975
260415	HURON, TOWNSHIP (HURON CO.)	NOVEMBER 05, 1976
260475A	INDEPENDENCE, TOWNSHIP (OAKLAND CO.)	MAY 13, 1977
260526	INDIANFIELDS, TOWNSHIP (TUSCOLA CO.)	MARCH 04, 1977
260354A	IRVING, TOWNSHIP (BARRY CO.)	APRIL 15, 1977
260133	ISHPEMING, CITY (MARQUETTE CO)	NOVEMBER 12, 1976
260408	JONESVILLE, VILLAGE (HILLSDALE CO.)	SEPTEMBER 26, 1975
260594	KIMBALL, TOWNSHIP (ST. CLAIR CO)	SEPTEMBER 19, 1975
260463A	LAKEVIEW, VILLAGE (MONTCALM CO.)	JULY 11, 1975 AND OCTOBER 01, 1976
260496	LAKE, TOWNSHIP (ROSCOMMON CO.)	NOVEMBER 26, 1976
260435A	LAPEER, TOWNSHIP (LAPEER CO.)	APRIL 15, 1977
260533A	LAWTON, VILLAGE (VAN BUREN CO.)	SEPTEMBER 26, 1975 AND JUNE 03, 1977
260344	LIMESTONE, TOWNSHIP (ALGER CO.)	NOVEMBER 26, 1976
260014	LINCOLN, TOWNSHIP OF (ARENAC CO.)	JUNE 14, 1974
260398	LINDEN, VILLAGE (GENESEE CO.)	SEPTEMBER 26, 1975
260149	LONDON, TOWNSHIP OF (MONROE CO.)	AUGUST 20, 1976
260675	MACKINAW, VILLAGE OF (CHEBOYGAN CO.)	AUGUST 12, 1977
260348	MANLIUS, TOWNSHIP (ALLEGAN CO.)	NOVEMBER 26, 1976
260609	MARATHON, TOWNSHIP OF (LAPEER CO.)	OCTOBER 24, 1975
260367	MARCELLUS, TOWNSHIP (CASS CO.)	NOVEMBER 26, 1976
260563	MARENGO, TOWNSHIP OF (CALHOUN COUNTY)	SEPTEMBER 19, 1975
260328	MARION, VILLAGE (OSCEOLA CO.)	APRIL 25, 1975
260487	MCMILLAN, TOWNSHIP (ONTONAGON CO.)	OCTOBER 03, 1975
260584	MECOSTA, VILLAGE OF (MECOSTA CO.)	OCTOBER 10, 1975
260513A	MENDON, TOWNSHIP (ST. JOSEPH CO.)	MARCH 25, 1977
260458	MEYER, TOWNSHIP (MENOMINEE CO.)	JUNE 24, 1977
260356	MIDDLEVILLE, VILLAGE (BARRY CO.)	JULY 18, 1975
260486	MILLS, TOWNSHIP (OGEMAW CO.)	JULY 25, 1975
260358	MONITOR, TOWNSHIP (BAY CO.)	JULY 25, 1975 AND AUGUST 12, 1977
260517	MOORE, TOWNSHIP (SANILAC CO.)	MAY 27, 1977
260443A	MORAN, TOWNSHIP (MACKINAC CO.)	MARCH 25, 1977
260459A	NADEAU, TOWNSHIP (MENOMINEE CO.)	MARCH 25, 1977
260521	NEW HAVEN, TOWNSHIP (SHIAWASEE CO.)	JULY 25, 1975
260340	NEWAYGO, CITY (NEWAYGO, CO.)	SEPTEMBER 12, 1975
260338	NORTH BRANCH, VILLAGE (LAPEER CO.)	SEPTEMBER 12, 1975
260420	NORTH PLAINS, TOWNSHIP (IONIA CO.)	JUNE 17, 1977
260424	NORVELL, TOWNSHIP (JACKSON CO.)	NOVEMBER 05, 1976
260332	NORWAY, CITY (DICKINSON CO.)	JULY 11, 1975
260476A	OAKLAND, TOWNSHIP (OAKLAND CO.)	APRIL 01, 1977
260502	OAKLEY, VILLAGE (SAGINAW CO.)	SEPTEMBER 26, 1975
260070A	ONEIDA TOWNSHIP (EATON CO)	JANUARY 14, 1977
260345A	ONOTA, TOWNSHIP (ALGER CO.)	JANUARY 14, 1977
260413	OSCEOLA, TOWNSHIP (HOUGHTON CO.)	SEPTEMBER 26, 1975
260362	OVID, TOWNSHIP (BRANCH CO.)	NOVEMBER 05, 1976
260376	PICKFORD, TOWNSHIP (CHIPPEWA CO.)	MAY 20, 1977
260704	PINCKNEY, VILLAGE OF (LIVINGTON CO.)	AUGUST 19, 1977
260534	PINE GROVE, TOWNSHIP (VAN BUREN CO.)	JULY 25, 1975
260368	POKAGON, TOWNSHIP (CASS CO.)	MAY 27, 1977
260618	PORT AUSTIN, VILLAGE OF (HURON CO.)	JANUARY 30, 1976
260672	PORT HURON, TOWNSHIP OF (ST. CLAIR CO.)	OCTOBER 29, 1976

MICHIGAN —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
260460	POWERS, VILLAGE (MENOMINEE CO.)	JULY 11, 1975	
260442	PUTNAM, TOWNSHIP (LIVINGSTON CO.)	JULY 22, 1977	
260464	RAVENNA, VILLAGE (MUSKEGON CO.)	SEPTEMBER 26, 1975	
260382	REDDING, TOWNSHIP (CLARE CO.)	NOVEMBER 19, 1976	
260402	RICHFIELD, TOWNSHIP (GENESEE CO.)	JULY 11, 1975	
260346	ROCK RIVER, TOWNSHIP (ALGER CO.)	OCTOBER 22, 1976	
260422	ROLLAND, TOWNSHIP (ISABELLA CO.)	MARCH 04, 1977	
260497A	ROSCOMMON, TOWNSHIP (ROSCOMMON CO.)	MARCH 18, 1977	
260377	RUDYARD, TOWNSHIP (CHIPPEWA CO.)	OCTOBER 15, 1976	
260522	RUSH, TOWNSHIP (SHIAWASEE CO.)	AUGUST 08, 1975	
260537	SCIO, TOWNSHIP (WASHTENAW CO.)	NOVEMBER 26, 1976	
260538	SHARON, TOWNSHIP (WASHTENAW CO.)	OCTOBER 15, 1976	
260523	SHIAWASEE, TOWNSHIP (SHIAWASEE CO.)	OCTOBER 10, 1975	
260378	SOO, TOWNSHIP (CHIPPEWA CO.)	NOVEMBER 26, 1976	
260461	SPALDING, TOWNSHIP (MENOMINEE CO.)	MARCH 11, 1977	
260336	SPARTA, VILLAGE (KENT CO.)	OCTOBER 15, 1976	
260478A	SPRINGFIELD, TOWNSHIP (OAKLAND CO.)	JUNE 10, 1977	
260557	STEVENSVILLE, VILLAGE (BERRIEN CO)	SEPTEMBER 26, 1975	
260593B	ST. CHARLES, VILLAGE (SAGINAW CO)	OCTOBER 08, 1976 AND NOVEMBER 19, 1976 MAY 13, 1977	
260444	ST. IGNACE, TOWNSHIP (MACKINAC CO.)	JULY 29, 1977	
260379	SUGAR ISLAND, TOWNSHIP (CHIPPEWA CO.)	JUNE 17, 1977	
260380	SUPERIOR, TOWNSHIP (CHIPPEWA CO.)	JUNE 17, 1977	
260540	SUPERIOR, TOWNSHIP (WASHTENAW CO.)	JUNE 17, 1977	
260494	TALLMADGE, TOWNSHIP (OTTAWA CO.)	JUNE 10, 1977	
260519	THOMPSON, TOWNSHIP (SCHOOLCRAFT CO.)	DECEMBER 03, 1976	
260504	TITTABAWASEE, TOWNSHIP (SAGINAW CO.)	AUGUST 15, 1975	
260708	TORCH LAKE, TOWNSHIP OF (HOUGHTON CO.)	AUGUST 12, 1977	
260351	TURNER, TOWNSHIP (ARENAC CO.)	JULY 18, 1975	
260550	TURNER, VILLAGE (ARENAC CO)	MARCH 04, 1977	
260527	TUSCOLA, TOWNSHIP (TUSCOLA CO.)	MARCH 04, 1977	
260334	UBLY, VILLAGE OF (HURON CO.)	APRIL 11, 1975	
260546A	VAN BUREN, TOWNSHIP (WAYNE CO.)	APRIL 08, 1977	
260524	VERNON, VILLAGE (SHIAWASEE CO.)	JULY 11, 1975	
260508	WALES, TOWNSHIP (ST. CLAIR CO.)	AUGUST 08, 1975	
260447	WASHINGTON, TOWNSHIP (MACOMB CO.)	NOVEMBER 05, 1976	
260404A	WATERSMEET, TOWNSHIP (GOGEBIC CO.)	MARCH 18, 1977	
260049A	WEESAW, TOWNSHIP OF (BERRIEN CO.)	JUNE 28, 1974 AND SEPTEMBER 03, 1976	
260388A	WELLS, TOWNSHIP (DELTA CO.)	JUNE 10, 1977	
260470	WHITE CLOUD, CITY (NEWAYGO CO.)	APRIL 11, 1975	
260479	WHITE LAKE, TOWNSHIP (OAKLAND CO.)	MAY 27, 1977	
260417	WHITE OAK, TOWNSHIP (INGHAM CO.)	OCTOBER 10, 1975	
260547	WILBER, TOWNSHIP (IOSCO CO)	NOVEMBER 26, 1976	
260359	WILLIAMS, TOWNSHIP (BAY CO.)	JUNE 17, 1977	
260495A	WRIGHT, TOWNSHIP (OTTAWA CO.)	MAY 27, 1977	
260329	YALE, CITY (ST. CLAIR CO.)	APRIL 11, 1975	
260432	YATES, TOWNSHIP (LAKE CO.)	AUGUST 15, 1975	
260541	YORK, TOWNSHIP (WASHTENAW CO.)	JULY 18, 1975	

TOTAL IN THE STATE 169

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270492	ALDRICH, CITY OF (WADENA COU)	FEBRUARY 07, 1975
270691A	ARCO, CITY OF (LINCOLN CO.)	APRIL 15, 1977
270345A	ASKOV, CITY OF (PINE CO.)	OCTOBER 25, 1974 AND AUGUST 29, 1975
270417A	AURORA, CITY OF (ST. LOUIS CO.)	APRIL 05, 1974 AND JUNE 25, 1976
270552	AVOCA, CITY (MURRAY CO)	JANUARY 10, 1975
270554	BAUDETTE, CITY OF (LAKE OF THE WOODS CO.)	DECEMBER 27, 1974
270555A	BEJOU, CITY (MAHNOMEN CO)	JANUARY 03, 1975 AND MAY 14, 1976
270261	BISCAY, CITY OF (MCLEOD CO.)	NOVEMBER 15, 1974
270556	BLACKDUCK, CITY (BELTRAMI CO)	AUGUST 01, 1975
270293	BOWLUS, CITY OF (MORRISON CO.)	OCTOBER 25, 1974
270057A	BOY RIVER, CITY (CASS CO)	JUNE 10, 1977
270070A	BRANCH, CITY OF (CHISAGO CO.)	AUGUST 30, 1974 AND OCTOBER 01, 1976
270319	BREWSTER, CITY (NOBLES CO)	APRIL 25, 1975
270557	BROOK PARK, CITY OF (PINE CO.)	OCTOBER 25, 1974
270388B	BROOKS, CITY OF (RED LAKE CO.)	AUGUST 09, 1974
270262A	BROWNTON, CITY OF (MCLEOD CO.)	MAY 03, 1974
270294A	BUCKMAN, CITY OF (MORRISON CO.)	AUGUST 09, 1974
270281	CEDAR MILLS, CITY OF (MEEKER)	FEBRUARY 14, 1975
270312A	CHANDLER, CITY OF (MURRAY CO.)	AUGUST 09, 1974 AND NOVEMBER 21, 1975
270125	CHATFIELD, CITY (FILLMORE CO)	AUGUST 13, 1976
270058	CHICKAMAW BCH, CITY (CASS CO)	OCTOBER 15, 1976
270464A	CHOKIO, CITY OF (STEVENS CO.)	MAY 03, 1974
270664A	CLEAR LAKE, CITY (SHERBURNE CO.)	JANUARY 03, 1975 AND SEPTEMBER 12, 1975
270559	CLEARBROOK, CITY OF (CLEARWATER CO.)	NOVEMBER 01, 1974
270560	CLEVELAND, CITY OF (LESUEUR CO.)	DECEMBER 27, 1974
270363A	CLIMAX, CITY OF (POLK CO.)	SEPTEMBER 20, 1974 AND JUNE 11, 1976
270468A	CLONTARF, CITY OF (SWIFT CO.)	JULY 19, 1974
270561	COBDEN, CITY OF (BROWN CO.)	NOVEMBER 01, 1974
270562	COLOGNE, CITY OF (CARVER CO.)	NOVEMBER 01, 1974
270035A	COMFREY, CITY OF (BROWN CO.)	SEPTEMBER 20, 1974 AND DECEMBER 26, 1975
270025A	CORRELL, CITY (BIG STONE CO)	JANUARY 24, 1975 AND APRIL 15, 1977
270282A	COSMOS, CITY OF (MEEKER CO.)	MAY 17, 1974
270314A	COURTLAND, CITY OF (NICOLLET CO.)	JULY 19, 1974
270313A	CURRIE, CITY OF (MURRAY CO.)	AUGUST 02, 1974 AND JULY 16, 1976
270469A	DANVERS, CITY OF (SWIFT CO.)	AUGUST 09, 1974
270334A	DEER CREEK, CITY OF (OTTER TAIL CO.)	AUGUST 16, 1974 AND JUNE 04, 1976
270470A	DEGRAFF, CITY OF (SWIFT CO.)	AUGUST 09, 1974 AND SEPTEMBER 10, 1976
270563	DELHI, CITY OF (REDWOOD CO.)	OCTOBER 25, 1974
270346	DENHAM, CITY (PINE CO)	JANUARY 24, 1975
270566A	DOVER, CITY OF (OLMSTEAD CO.)	NOVEMBER 01, 1974 AND OCTOBER 17, 1975
270059A	EAST GULL LAKE, CITY OF (CASS CO.)	DECEMBER 20, 1974 AND OCTOBER 10, 1975
270118	EASTON, CITY (FARIBAULT CO)	JULY 30, 1976
270283A	EDEN VALLEY, CITY OF (STEARNS CO.)	MAY 03, 1974 AND AUGUST 13, 1976
270320A	ELLSWORTH, CITY OF (NOBLES CO.)	MAY 03, 1974
270295A	ELMDALE, CITY OF (MORRISON CO.)	AUGUST 09, 1974
270336A	ERHARD, CITY OF (OTTER TAIL CO.)	AUGUST 09, 1974
270422A	EVELETH, CITY OF (ST. LOUIS CO.)	JUNE 07, 1974 AND JULY 16, 1976
270329A	EYOTA, CITY OF (OLMSTEAD CO.)	APRIL 12, 1974
270276A	FAIRMONT, CITY OF (MARTIN CO.)	JUNE 07, 1974 AND DECEMBER 12, 1975

MINNESOTA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270060	FEDERAL DAM, CITY (CASS CO)	OCTOBER	08, 1976	
270366A	FISHER, CITY OF (POLK CO.)	AUGUST	02, 1974	
270570	FRAZEE, CITY OF (BECKER CO.)	NOVEMBER	15, 1974	
270446A	FREEPORT, CITY OF (STEARNS CO.)	MAY	03, 1974	AND
		AUGUST	08, 1975	
270571	FUNKLEY, CITY (BELTRAMI CO)	JULY	11, 1975	
270296	GENOLA, CITY OF (MORRISON COU)	FEBRUARY	07, 1975	
270439A	GIBBON, CITY OF (SIBLEY CO.)	JUNE	21, 1974	
270088A	GONVICK, CITY OF (CLEARWATER CO.)	AUGUST	23, 1974	AND
		JUNE	04, 1976	
270142B	GOODHUE, CITY OF (GOODHUE CO.)	MAY	24, 1974	AND
		APRIL	23, 1976	
270277A	GRANADA, CITY OF (MARTIN CO.)	AUGUST	02, 1974	
270215A	GRASSTON, CITY (KANABEC CO)	DECEMBER	10, 1976	
270447A	GREENWALD, CITY OF (STEARNS CO.)	AUGUST	23, 1974	AND
		JUNE	11, 1976	
270061A	HACKENSACK, CITY OF (CASS CO.)	SEPTEMBER	20, 1974	
270573	HADLEY, CITY (MURRAY CO)	APRIL	11, 1975	
270574	HANLEY FALLS, CITY (YELLOW MEDICINE CO)	JULY	11, 1975	
270071A	HARRIS, CITY OF (CHISAGO CO.)	SEPTEMBER	20, 1974	AND
		OCTOBER	24, 1975	
270355	HATFIELD, CITY OF (PIPESTONE CO)	JANUARY	31, 1975	
270398	HECTOR, CITY OF (RENVILLE CO.)	AUGUST	27, 1976	
270701A	HEIDELBERG, CITY OF (LE SUEUR CO.)	JULY	22, 1977	
270338A	HENNING, CITY OF (OTTER TRAIL CO.)	MAY	03, 1974	AND
		OCTOBER	31, 1975	
270002A	HILL CITY, CITY OF (AITKIN CO.)	NOVEMBER	08, 1974	
270409A	HILLS, CITY OF (ROCK CO.)	APRIL	12, 1974	
270578A	HOFFMAN, CITY OF (GRANT CO)	JANUARY	31, 1975	
270448A	HOLDINGFORD, CITY OF (STEARNS CO.)	MAY	17, 1974	
270356A	HOLLAND, CITY OF (PIPESTONE CO.)	AUGUST	30, 1974	AND
		DECEMBER	05, 1975	
270471A	HOLLOWAY, CITY OF (SWIFT CO.)	SEPTEMBER	06, 1974	
270357A	IHLEN, CITY OF (PIPESTONE CO.)	AUGUST	02, 1974	AND
		JULY	02, 1976	
270235A	INTERNATIONAL FALLS, CITY OF (KOOCHICHING CO.)	JUNE	07, 1974	AND
		MARCH	26, 1976	
270579	IONA, CITY OF (MURRAY CO.)	DECEMBER	20, 1974	
270580	IRON JUNCTION, CITY OF (ST. LOUIS CO.)	OCTOBER	25, 1974	
270098A	JENKINS, CITY OF (CROW WING CO.)	AUGUST	23, 1974	AND
		JULY	09, 1976	
270655	KELLOGG, CITY OF (WABASHA CO)	JANUARY	31, 1975	
270523	KENT, CITY (WILKIN CO)	AUGUST	01, 1975	
270143A	KENYON, CITY OF (GOODHUE CO.)	MAY	24, 1974	AND
		JULY	16, 1976	
270206A	LA PRAIRIE, CITY OF (ITASCA CO.)	AUGUST	23, 1974	AND
		OCTOBER	17, 1975	
270692A	LAKE BENTON, CITY OF (LINCOLN CO.)	APRIL	01, 1977	
270517A	MADELIA, CITY OF (WATONWAN CO.)	APRIL	12, 1974	AND
		MAY	28, 1976	
270698	MAHTOMEDI, CITY OF (WASHINGTON CO.)	JUNE	24, 1977	
270585A	MANTORVILLE, CITY OF (DODGE CO.)	JUNE	03, 1977	
270667	MAPLE LAKE, CITY (WRIGHT CO.)	JANUARY	10, 1975	
270243A	MARIETTA, CITY OF (LAC QUI PARLE CO.)	SEPTEMBER	06, 1974	AND
		JULY	09, 1976	
270053A	MAYER, CITY OF (CARVER CO.)	NOVEMBER	23, 1973	
270587	MAYNARD, CITY OF (CHIPPEWA CO.)	NOVEMBER	15, 1974	
270467A	MAZEPPA, CITY OF (WABASHA CO.)	JULY	19, 1974	
270588	MCINTOSH, CITY OF (POLK CO.)	NOVEMBER	29, 1974	
270690	MEDICINE LAKE, CITY OF (HENNEPIN CO.)	DECEMBER	17, 1976	
270493B	MENAHGA, CITY OF (WADENA CO.)	APRIL	12, 1974	AND
		AUGUST	29, 1975	
		JANUARY	30, 1976	
270110A	MENDOTA HEIGHTS, CITY OF (DAKOTA CO.)	NOVEMBER	23, 1973	AND
		APRIL	16, 1976	
270109A	MENDOTA, CITY OF (DAKOTA CO.)	FEBRUARY	08, 1974	
270367A	MENTOR, CITY OF (POLK CO.)	DECEMBER	20, 1974	AND
		JULY	02, 1976	

MINNESOTA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270270A	MIDDLE RIVER, CITY OF (MARSHALL CO.)	JULY	19, 1974	
270111A	MIESVILLE, CITY OF (DAKOTA CO.)	JULY	19, 1974	AND
		JANUARY	23, 1976	
270589	MILAN, CITY (CHIPPEWA CO)	JULY	15, 1977	
270488A	MILLVILLE, CITY OF (WABASHA CO.)	AUGUST	02, 1974	AND
		MARCH	26, 1976	
270489	MINNEISKA, CITY OF (WABASHA CO.)	JULY	11, 1975	
270122A	MINNESOTA LAKE, CITY OF (FARIBAULT CO.)	MAY	17, 1974	
270405A	MORRISTOWN, CITY OF (RICE CO.)	MARCH	29, 1974	AND
		SEPTEMBER	12, 1975	
270300A	MOTLEY, CITY OF (MORRISON CO.)	AUGUST	02, 1974	AND
		DECEMBER	19, 1975	
270424A	MOUNTAIN IRON, VILLAGE OF (ST. LOUIS CO.)	MAY	24, 1974	AND
		NOVEMBER	26, 1976	
270431	NEW MUNICH, CITY OF (STEARNS CO.)	OCTOBER	25, 1974	
270497A	NEW RICHLAND, CITY OF (WASECA CO.)	APRIL	12, 1974	
270315A	NICOLLET, CITY OF (NICOLLET CO.)	APRIL	05, 1974	
270590	NIELSVILLE, CITY OF (POLK CO.)	NOVEMBER	01, 1974	
270591	NIMROD, CITY (WADENA CO)	APRIL	18, 1975	
270592	NORCROSS, CITY OF (GRANT CO.)	DECEMBER	13, 1974	
270072A	NORTH BRANCH, CITY OF (CHISAGO CO.)	MAY	10, 1974	AND
		APRIL	09, 1976	
270512A	OAK PARK HEIGHTS, CITY OF (WASHINGTON CO.)	MARCH	22, 1974	AND
		APRIL	16, 1976	
270594	ODIN, CITY OF (WATOWAN CO.)	DECEMBER	13, 1974	
270595	OKABENA, CITY OF (JACKSON CO.)	DECEMBER	27, 1974	
270648	ORR, CITY OF (ST. LOUIS CO.)	DECEMBER	13, 1974	
270658	OSSEO, CITY (HENNEPIN CO.)	JANUARY	10, 1975	
270004A	PALISADE, CITY OF (AITKIN CO.)	AUGUST	02, 1974	AND
		JUNE	11, 1976	
270291A	PEASE, CITY OF (MILLE LACS CO.)	AUGUST	02, 1974	AND
		FEBRUARY	13, 1976	
270128A	PETERSON, CITY OF (FILMORE CO.)	AUGUST	30, 1974	
270063A	PILLAGER, CITY OF (CASS CO.)	JULY	19, 1974	
270697A	PINE SPRINGS, CITY OF (WASHINGTON CO.)	JULY	22, 1977	
270596	PLATO, CITY OF (MCLEOD CO.)	NOVEMBER	01, 1974	
270218A	QUAMBA, CITY OF (KANNABEC CO.)	AUGUST	09, 1974	
270223A	REGAL, CITY OF (KANDIYOHI CO)	JANUARY	31, 1975	AND
		FEBRUARY	13, 1976	
270065	REMER, CITY (CASS CO)	JULY	11, 1975	
270565	REVERE, CITY (REDWOOD CO.)	APRIL	11, 1975	
270597	RICE, CITY (BENTON CO)	JANUARY	17, 1975	
270453A	RICHMOND, CITY OF (STEARNS CO.)	MARCH	29, 1974	
270341	RICHVILLE, CITY OF (OTTER TAIL CO.)	OCTOBER	25, 1974	
270021	RONNEBY, CITY (BENTON CO)	JULY	11, 1975	
270455A	ROSCOE, CITY OF (STEARNS CO.)	AUGUST	02, 1974	AND
		JUNE	04, 1976	
270598A	ROSE CREEK, CITY (MOWER CO)	JUNE	10, 1977	
270073A	RUSH CITY, CITY OF (CHISAGO CO.)	MAY	10, 1974	AND
		MARCH	19, 1976	
270687B	RUSHFORD VILLAGE, CITY OF (FILLMORE CO.)	AUGUST	20, 1976	
270360A	RUTHTON, CITY OF (PIPESTONE CO.)	AUGUST	09, 1974	
270350A	RUTLEDGE, CITY OF (PINE CO.)	AUGUST	09, 1974	AND
		AUGUST	20, 1976	
270402A	SACRED HEART, CITY OF (RENVILLE CO.)	MAY	03, 1974	
270046A	SCANLON, CITY OF (CARLTON CO.)	NOVEMBER	02, 1973	AND
		JULY	09, 1976	
270602	SEAFORTH, CITY OF (REDWOOD CO.)	DECEMBER	13, 1974	
270494B	SEBEKA, CITY OF (WADENA CO.)	APRIL	12, 1974	AND
		JULY	11, 1975	
		MAY	28, 1976	

MINNESOTA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270662	SILVER LAKE, CITY (MCLEOD CO.)	JANUARY 24, 1975
270672	SKYLINE, CITY (BLUE EARTH CO)	JUNE 27, 1975
270208	SQUAW LAKE, CITY (ITASCA CO.)	AUGUST 01, 1975
270352	STURGEON LAKE, CITY OF (PINE CO.)	OCTOBER 25, 1974
270601	ST. ANTHONY, CITY OF (STERNS CO.)	JULY 11, 1975
270033A	ST. CLAIR, CITY OF (BLUE EARTH CO.)	AUGUST 23, 1974
270457	ST. JOSEPH, CITY (STEARNS CO)	AUGUST 27, 1976
270458A	ST. STEPHEN, CITY OF (STEARNS CO.)	AUGUST 23, 1974
270660B	S. INTERNATIONAL FALLS, CTY (KOOCHICHING CO.)	JANUARY 17, 1975 AND SEPTEMBER 12, 1975
270209	TACONITE, CITY (ITASCA CO.)	JULY 30, 1976
270604	TAOPI, CITY (MOWER CO)	JULY 23, 1976
270260A	TAUNTON, CITY OF (LYON CO.)	JANUARY 24, 1975 AND DECEMBER 16, 1977
270047A	THOMSON, CITY OF (CARLTON CO.)	JULY 19, 1974 AND NOVEMBER 14, 1975
270605	TOWER, CITY OF (ST. LOUIS CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
270361A	TROSKY, CITY OF (PIPESTONE CO.)	DECEMBER 13, 1974
270606	TURTLE RIVER, CITY (BELTRAMI CO)	AUGUST 09, 1974 AND JULY 16, 1976
270306	UPSALA, CITY OF (MORRISON CO.)	AUGUST 01, 1975
270607	VERNDALE, CITY OF (WADENA CO.)	OCTOBER 25, 1974
270608	VERNON CENTER, CITY (BLUE EARTH CO)	OCTOBER 25, 1974
270609	VESTA, CITY (REDWOOD CO)	JANUARY 03, 1975
270055B	WACONIA, CITY OF (CARVER CO.)	JANUARY 10, 1975
270498	WALDORF, CITY OF (WASECA CO.)	JUNE 07, 1974 AND MARCH 19, 1976
270147A	WANAMINGO, CITY OF (GOODHUE CO.)	AUGUST 09, 1974
270210A	WARBA, CITY OF (ITASCA CO.)	MAY 10, 1974 AND AUGUST 29, 1975
270286A	WATKINS, CITY OF (MEEKER CO.)	SEPTEMBER 13, 1974 AND DECEMBER 26, 1975
270666	WAVERLY, CITY (WRIGHT CO.)	APRIL 12, 1974 AND JULY 02, 1976
270279A	WELCOME, CITY OF (MARTIN CO.)	JANUARY 17, 1975
270695A	WILLERNIE, CITY OF (WASHINGTON CO.)	MAY 10, 1974 AND JULY 16, 1976
270612	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	MAY 27, 1977
270703	WILLMAR, CITY OF (KANDIYOHI CO.)	NOVEMBER 29, 1974
270613	WINGER, CITY OF (POLK CO)	JULY 29, 1977
270427A	WINTON, CITY OF (ST. LOUIS CO.)	JANUARY 31, 1975
270524A	WOLVERTON, CITY OF (WILKIN CO.)	AUGUST 02, 1974 AND JULY 02, 1976
270615	WOOD LAKE, CITY (YELLOW MEDICINE CO)	AUGUST 09, 1974 AND DECEMBER 19, 1975
270048A	WRIGHT, CITY OF (CARLTON CO.)	JANUARY 17, 1975
270211	ZEMPLE, CITY (ITASCA CO.)	SEPTEMBER 13, 1974
		JUNE 27, 1975

TOTAL IN THE STATE 180

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
280301A	ATTALA COUNTY *	JULY 29, 1977
280089	BASSFIELD, TOWN (JEFFERSON DAVIS CO)	JULY 30, 1976
280087	BAY SPRINGS, TOWN (JASPER CO)	AUGUST 01, 1975
280287	BELMONT, TOWN OF (TISHOMINGO CO.)	JULY 09, 1976
280156A	BRAXTON, VILLAGE OF (SIMPSON CO.)	JULY 19, 1974 AND
		JULY 16, 1976
280269	CHICKASAW COUNTY	JUNE 03, 1977
280240	CHUNKY, TOWN OF (NEWTON CO.)	DECEMBER 20, 1974
280220	CLARKE COUNTY *	NOVEMBER 29, 1974 AND
		NOVEMBER 11, 1977
280221	COPIAH COUNTY	AUGUST 26, 1977
280217	DERMA, TOWN (CALHOUN CO)	JULY 30, 1976
280017	DUNCAN, TOWN OF (BOLIVAR CO.)	NOVEMBER 05, 1976
280188	EDEN, VILLAGE OF (YAZOO CO.)	JULY 19, 1974
280117A	GATTMAN, VILLAGE OF (MONROE CO.)	JULY 19, 1974 AND
		AUGUST 13, 1976
280045A	GEORGETOWN, TOWN OF (COPIAH CO.)	AUGUST 02, 1974
280093	LAFAYETTE COUNTY *	DECEMBER 27, 1974 AND
		MARCH 17, 1978
280149A	LAKE, TOWN OF (SCOTT CO.)	JULY 19, 1974 AND
		JUNE 25, 1976
280272	LAWRENCE COUNTY	SEPTEMBER 16, 1977
280293A	LEAKE COUNTY *	MAY 20, 1977
280204	LENA, TOWN (LEAKE CO)	OCTOBER 25, 1974
280008	MCCOOL, VILLAGE OF (ATTALA CO)	JANUARY 31, 1975
280096A	MERIDIAN, CITY OF (LAUDERDALE CO.)	JUNE 28, 1974
280225	MONTICELLO, TOWN OF (LAWRENCE CO.)	DECEMBER 27, 1974
280048	MT. OLIVE, TOWN (COVINGTON CO)	AUGUST 01, 1975
280295A	MYRTLE, CITY OF (UNION CO.)	JULY 29, 1977
280231	NEWTON COUNTY	SEPTEMBER 16, 1977
280219	PACHUTA, TOWN OF (CLARKE CO.)	NOVEMBER 08, 1974
280278A	PIKE COUNTY	JUNE 10, 1977
280279A	PRENTISS COUNTY	SEPTEMBER 16, 1977
280147A	PUCKETT, TOWN OF (RANKIN CO.)	AUGUST 23, 1974 AND
		JULY 02, 1976
280280A	SCOTT COUNTY	JUNE 17, 1977
280151	SEBASTOPOL, VILLAGE OF (SCOTT COU)	FEBRUARY 07, 1975
280049	SEMINARY, VILLAGE OF (COVINGTON CO.)	AUGUST 01, 1975
280296A	SHERMAN, TOWN OF (PONTOTOC & UNION COS.)	JUNE 10, 1977
280034A	SHUBUTA, TOWN OF (CLARKE CO.)	JUNE 07, 1974 AND
		JUNE 25, 1976
280226	SILVER CREEK, TOWN OF (LAWRENCE CO.)	JULY 11, 1975
280300	STONE COUNTY*	SEPTEMBER 09, 1977
280282	TIPPAH COUNTY	AUGUST 26, 1977
280263	TOCCOPOLA, TOWN OF (POTOTOC CO.)	DECEMBER 13, 1974
280237A	UNION COUNTY *	DECEMBER 13, 1974 AND
		APRIL 08, 1977
280098A	WALNUT GROVE, TOWN OF (LEAKE CO)	JUNE 28, 1974 AND
		JULY 16, 1976
280238	WAYNE COUNTY *	DECEMBER 20, 1974 AND
		JANUARY 13, 1978

TOTAL IN THE STATE 40

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MISSOURI	
290761	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY 14, 1975
290005A	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST 16, 1974 AND FEBRUARY 06, 1976
290217A	ANDERSON, CITY OF (MCDONALD CO.)	MAY 17, 1974 AND DECEMBER 26, 1975
290287	ANNADA, VILLAGE OF (PIKE COU)	FEBRUARY 07, 1975
290281	APPLETON, CITY OF (ST. CLAIR COU)	FEBRUARY 07, 1975
290461	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER 06, 1974
290767	BAKERSFIELD, VILLAGE (OZARK CO.)	APRIL 25, 1975
290331	BELLERIVE, TOWN (ST. LOUIS CO)	SEPTEMBER 10, 1976
290753	BELLE, CITY OF (MARIES & OSAGE COS.)	OCTOBER 29, 1976
290770A	BELLFLOWER, CITY (MONTGOMERY CO.)	MAY 17, 1977
290756	BEVIER, CITY OF (MACON)	FEBRUARY 14, 1975
290757	BILLINGS, CITY (CHRISTIAN CO.)	JUNE 27, 1975
290400	BLACKBURN, TOWN (SALINE CO)	APRIL 23, 1976
290006	BOLCKOW, TOWN (ANDREW CO)	APRIL 30, 1976
290463	BOSWORTH, CITY (CARROLL CO)	JANUARY 17, 1975
290274	BRAGG CITY, CITY OF (PEMISCOT COU)	FEBRUARY 07, 1975
290616	BRASHEAR, CITY OF (ADAIR)	FEBRUARY 14, 1975
290759	BRAYMER, CITY (CALDWELL CO.)	APRIL 25, 1975
290618	BRONAUGH, CITY (VERNON CO.)	JUNE 25, 1976
290739	BUFFALO, CITY (DALLA CO.)	MAY 02, 1975
290111	BUNCETON, CITY OF (COOPER CO.)	APRIL 25, 1975
290620	CAINSVILLE, CITY (HARRISON CO.)	APRIL 25, 1975
290850	CALEDONIA, VILLAGE OF (WASHINGTON CO.)	NOVEMBER 05, 1976
290624	CAMDEN, CITY (RAY CO.)	MAY 28, 1976
290124A	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH 29, 1974 AND JUNE 11, 1976
290248	CANALOU, TOWN (NEW MADRID CO)	JUNE 11, 1976
290022B	CASSVILLE, CITY OF (BARRY CO.)	AUGUST 16, 1974 AND NOVEMBER 28, 1975
290249	CATRON, TOWN (NEW MADRID CO)	MAY 28, 1976
290744A	CLARENCE, CITY (SHELBY CO.)	JUNE 03, 1977
290630A	CLARKSDALE, CITY OF (DE KALB CO)	FEBRUARY 21, 1975
290599	CLEARMONT, CITY (NODAWAY CO.)	JULY 18, 1975
290601	COBALT CITY, VILLAGE (MADISON CO.)	MARCH 26, 1976
290602	CONCEPTION JUNTION, CITY (NODAWAY CO.)	APRIL 25, 1975
290196A	CONWAY, TOWN OF (LACLEDE CO.)	MAY 10, 1974 AND NOVEMBER 21, 1975
290159	CORNING, TOWN OF (HOLT CO.)	FEBRUARY 06, 1976
290605	COWGILL, TOWN (CALDWELL CO.)	APRIL 18, 1975
290063A	CREIGHTON, CITY (CASS CO)	MAY 13, 1977
290610	CROSS TIMBERS, VILLAGE OF (HICKORY CO)	FEBRUARY 21, 1975
290345A	CRYSTAL LAKE PK, TWN (ST. LOUIS CO)	MAY 13, 1977
290856	CUBA, CITY OF (CRAWFORD CO.)	NOVEMBER 12, 1976
290464	DALTON, VILLAGE OF (CHARITON CO.)	DECEMBER 13, 1974
290612	DE KALB, VILLAGE (BUCHANAN CO.)	MARCH 26, 1976
290747	DEEPWATER, CITY (HENRY CO.)	SEPTEMBER 26, 1975
290055	DELTA, CITY OF (CAPE GIRARDEAU CO.)	DECEMBER 06, 1974
290613	DES ARC, VILLAGE (IRON CO.)	APRIL 18, 1975
290465A	DEWITT, CITY OF (CARROLL CO.)	SEPTEMBER 06, 1974 AND APRIL 02, 1976
290726	DIXON, CITY (PULASKI CO.)	JUNE 04, 1976
290614	DOWNING, CITY (SCHUYLER CO.)	JUNE 04, 1976
290182A	DUENWEG, CITY OF (JASPER CO.)	MAY 03, 1974 AND OCTOBER 24, 1975
290728	DUQUESNE, VILLAGE (JASPER CO.)	JUNE 18, 1976
290219	ELMER, CITY OF (MACON CO.)	DECEMBER 06, 1974
290588	EOLIA, VILLAGE (PIKE CO.)	MARCH 26, 1976
290730	ESTHER, CITY OF (ST. FRANCOIS CO)	FEBRUARY 21, 1975
290591	FAIR GROVE, CITY (GREENE CO.)	JUNE 27, 1975
290292	FARLEY, TOWN (PLATTE CO)	JANUARY 24, 1975
290731	FORSYTH, CITY OF (TANEY COU)	FEBRUARY 07, 1975
290593	FRANKFORD, CITY (PIKE CO.)	JANUARY 07, 1977
290477	FREMONT, VILLAGE OF (CARTER CO)	FEBRUARY 21, 1975
290431A	GALENA, CITY OF (STONE CO.)	AUGUST 30, 1974 AND OCTOBER 31, 1975

MISSOURI —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290733	GALLATIN, CITY OF (DAVIESS)	FEBRUARY 14, 1975
290734	GERALD, CITY (FRANKLIN CO.)	JUNE 04, 1976
290735	GOLDEN CITY, CITY OF (BARTON CO)	FEBRUARY 21, 1975
290737	GRAIN VALLEY, CITY (JACKSON CO.)	JULY 16, 1976
290460	GRANDIN, CITY OF (CARTER CO.)	NOVEMBER 08, 1974
290596	GREENTOP, CITY OF (SCHYLER CO)	FEBRUARY 21, 1975
290572	HERMITAGE, CITY (HICKORY CO)	APRIL 25, 1975
290573	HILLSBORO, CITY (JEFFERSON CO)	OCTOBER 22, 1976
290714	HOLDEN, CITY (JOHNSON CO.)	APRIL 09, 1976
290093	HOLT, TOWN (CLAY CO)	JULY 02, 1976
290576A	HOUSTON LAKE, VILLAGE (PLATTE CO)	JUNE 21, 1977
290575	HOUSTONIA, CITY (PETTIS CO)	SEPTEMBER 19, 1975
290715A	HUMANSVILLE, CITY (POLK CO.)	JULY 11, 1975 AND FEBRUARY 18, 1977
290577	HUME, CITY OF (BATES CO)	FEBRUARY 21, 1975
290578	HUNNEWELL, CITY OF (SHELBY CO)	FEBRUARY 21, 1975
290359	HUNTLEIGH, TOWN (ST. LOUIS CO)	JUNE 25, 1976
290580	IRON GATES, VILLAGE (JASPER CO)	FEBRUARY 14, 1975
290446A	IRONDALE, TOWN (WASHINGTON CO)	MAY 13, 1977
290721	JAMESPORT, CITY OF (DAVIESS COU)	FEBRUARY 07, 1975
290722	JASPER, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290723	KEYTESVILLE, CITY (CHARITON CO.)	JULY 16, 1976
290583	KINGSTON, CITY (CALDWELL CO)	JUNE 04, 1976
290584	KINGSVILLE, CITY (JOHNSON CO)	JUNE 25, 1976
290724	KNOB NOSTER, CITY (JOHNSON CO.)	JUNE 27, 1975
290696	LA BELLE, CITY OF (LEWIS)	FEBRUARY 14, 1975
290703	LA PALTA, CITY OF (MACON)	FEBRUARY 14, 1975
290557	LACLEDE, CITY (LINN CO)	JUNE 25, 1976
290698	LAKE OZARK, CITY (CAMDEN CO.)	JULY 26, 1977
290699	LAKE TAPAWINGO, CITY (JACKSON CO.)	NOVEMBER 19, 1976
290700	LAKE WAUKOMIS, CITY (PLATTE CO.)	SEPTEMBER 10, 1976
290558	LAKE WINNEBAGO, VILLAGE (CASS CO)	FEBRUARY 25, 1977
290559	LANAGAN, CITY (MCDONALD CO)	JUNE 04, 1976
290702	LANCASTER, CITY (SCHUYLER CO.)	JUNE 25, 1976
290152A	LAREDO, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974
290705	LAWSON, CITY (CLAY CO.)	JUNE 04, 1976
290560	LEADINGTON, VILLAGE (ST. FRANCOIS CO)	APRIL 18, 1975
290707	LEXINGTON, CITY (LAFAYETTE CO.)	JULY 25, 1975
290053A	LINN CREEK, CITY OF (CAMDEN CO.)	OCTOBER 25, 1974 AND NOVEMBER 28, 1975
290708	LINN, CITY (OSAGE CO.)	JULY 30, 1976
290115	LOCK SPRINGS, TOWN (DAVIESS CO)	JULY 11, 1975
290682	LOCKWOOD, CITY (DADE CO.)	JUNE 11, 1976
290853	LONE JACK, VILLAGE OF (JACKSON CO.)	DECEMBER 10, 1976
290683	LOWRY CITY, CITY (ST. CLAIR CO.)	JULY 09, 1976
290082A	LURAY, VILLAGE OF (CLARK CO.)	OCTOBER 18, 1974 AND OCTOBER 31, 1975
290031A	LUTESVILLE, CITY OF (BOLLINGER CO.)	MAY 10, 1974 AND DECEMBER 19, 1975
290565	MARQUAND, CITY (MADISON CO)	APRIL 18, 1975
290444A	MARTHASVILLE, VILLAGE OF (WARREN CO.)	SEPTEMBER 13, 1974
290566	MEADVILLE, CITY (LINN CO)	APRIL 25, 1975
290408A	MEMPHIS, CITY OF (SCOTLAND CO.)	MAY 24, 1977
290271A	META, TOWN OF (OSAGE CO.)	SEPTEMBER 13, 1974 AND NOVEMBER 28, 1975
290568	MIDDLETOWN, CITY (MONTGOMERY CO)	AUGUST 06, 1976
290499	MILL SPRING, VILLAGE OF (WAYNE CO.)	DECEMBER 13, 1974
290570	MINDENMINES, CITY (BARTON CO)	APRIL 18, 1975
290571	MINERAL POINT, VILLAGE (WASHINGTON CO)	AUGUST 08, 1975
290689	MONTGOMERY CITY, CITY (MONTGOMERY CO.)	JULY 09, 1976
290207	MONTICELLO, VILLAGE OF (LEWIS CO.)	DECEMBER 27, 1974
290690	MONTROSE, CITY (HENRY CO.)	APRIL 18, 1975
290546	MOSCOW MILLS, CITY (LINCOLN CO)	JULY 02, 1976
290547	NAPOLEAN, CITY (LAFAYETTE CO)	JUNE 11, 1976
290405A	NELSON, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND DECEMBER 26, 1975

MISSOURI —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290549	NEW CAMBRIA, CITY (MACON CO)	JULY 25, 1975
290692	NEW FLORENCE, CITY (MONTGOMERY CO.)	NOVEMBER 05, 1976
290550	NEW HAMPTON, CITY (HARRISON CO)	AUGUST 08, 1975
290551	NEWTOWN, CITY (SULLIVAN CO)	JULY 30, 1976
290078A	NIXA, CITY OF (CHRISTIAN CO)	JUNE 28, 1974 AND JANUARY 16, 1976
290059A	NORBORNE, CITY OF (CARROLL CO.)	APRIL 05, 1974
290554A	OAK GROVE, VILLAGE (FRANKLIN CO)	JUNE 03, 1977
290671	OSAGE BEACH, CITY (MILLER AND CAMDEN)	JULY 30, 1976
290555	OSBORN, CITY (CLINTON CO)	JULY 18, 1975
290672	OSCEOLA, CITY (ST. CLAIR CO.)	APRIL 02, 1976
290556	OTTERVILLE, CITY (COOPER CO)	APRIL 25, 1975
290224A	PALMYRA, CITY OF (MARION CO.)	MARCH 29, 1974 AND JULY 18, 1975
290532	PARKWAY, VILLAGE (FRANKLIN CO)	JULY 02, 1976
290533	PARNELL, CITY (NODAWAY CO)	MAY 02, 1975
290676	PERRY, CITY OF (RALLS COU)	FEBRUARY 14, 1975
290535	PINEVILLE, CITY (MCDONALD CO)	APRIL 18, 1975
290536	PLATTE WOODS, CITY (PLATTE CO)	NOVEMBER 12, 1976
290537	PLEASANT HOPE, VILLAGE (POLK CO)	OCTOBER 29, 1976
290680	POCAHONTAS, VILLAGE (CAPE GIRARDEAU CO.)	OCTOBER 29, 1976
290101	PRATHERSVILLE, VILL (CLAY CO)	FEBRUARY 18, 1977
290541	RAVENWOOD, CITY (NODAWAY CO)	JUNE 27, 1975
290542	RAYMONDVILLE, VILLAGE OF (TEXAS)	FEBRUARY 14, 1975
290243B	RHINELAND, TOWN (MONTGOMERY CO)	JANUARY 21, 1977 AND AUGUST 16, 1977
290655	RICH HALL, CITY OF (BATES)	FEBRUARY 14, 1975
290657	RICHMOND, CITY (RAY CO.)	OCTOBER 22, 1976
290485	RITCHEY, TOWN (NEWTON CO)	JANUARY 10, 1975
290544	RIVERMINES, VILLAGE (ST. FRANCOIS CO)	APRIL 02, 1976
290438	ROCKAWAY BEACH, TOWN (TANEY CO)	JANUARY 10, 1975
290518	ROCKVILLE, CITY OF (BATES CO)	FEBRUARY 21, 1975
290008	ROSENDALE, CITY OF (ANDREW)	FEBRUARY 14, 1975
290664	SAVANNAH, CITY (ANDREW CO.)	NOVEMBER 05, 1976
290519	SCHELL CITY, CITY (VERNON CO)	APRIL 18, 1975
290521	SELIGMAN, CITY (BARRY CO)	APRIL 25, 1975
290665	SHELBINA, CITY (SHELBY CO.)	APRIL 25, 1975
290666	SHELBYVILLE, CITY (SHELBY CO.)	APRIL 18, 1975
290522	SHELDON, CITY OF (VERNON CO)	JANUARY 31, 1975
290523	SHERIDAN, CITY (WORTH CO)	JULY 02, 1976
290487A	SHOAL CREEK DRIVE, TOWN OF (NEWTON CO.)	AUGUST 16, 1974
290177A	SIBLEY, VILLAGE OF (JACKSON CO.)	AUGUST 30, 1974 AND JANUARY 16, 1976
290527B	SOUTH GORIN, CITY (SCOTLAND CO)	NOVEMBER 05, 1976
290529	SPARTA, CITY (CHRISTIAN CO)	APRIL 02, 1976
290530	SPICKARD, CITY OF (GRUNDY COU)	FEBRUARY 07, 1975
290488	STELLA, CITY OF (NEWTON CO)	FEBRUARY 21, 1975
290667	STOCKTON, CITY (CEDAR CO.)	JULY 02, 1976
290531	STOTTS CITY, CITY (LAWRENCE CO)	OCTOBER 29, 1976
290506	STRAFFORD, CITY (GREENE CO)	APRIL 30, 1976
290039	STURGEON, TOWN OF (BOONE CO.)	APRIL 23, 1976
290507	SUMMERSVILLE, CITY OF (SHANNON & TEXAS CO)	JANUARY 31, 1975
290076	SUMNER, TOWN (CHARITON CO)	JANUARY 10, 1975
290508	SUNNYVALE, CITY (NEWTON CO)	NOVEMBER 05, 1976
290509	TARSNEY LAKES, VILLAGE (JACKSON CO)	OCTOBER 22, 1976
290640	TIPTON, CITY (MONITEAU CO.)	JANUARY 17, 1975
290641	TROY, CITY (LINCOLN CO.)	OCTOBER 29, 1976
290511	TRUESDALE, VILLAGE (WARREN CO)	NOVEMBER 12, 1976
290228A	TUSCUMBIA, VILLAGE OF (MILLER CO.)	OCTOBER 25, 1974 AND NOVEMBER 21, 1975
290513A	UNITY, VILLAGE (JACKSON CO)	JUNE 03, 1977
290514	URBANA, VILLAGE (DALLAS CO)	JUNE 27, 1975
290515	URICH, CITY (HENRY CO)	OCTOBER 29, 1976

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MISSOURI —Continued	
290857	VELDA VILLAGE HILLS, VILLAGE OF (ST. LOUIS CO.)	JULY 02, 1976
290645	VERONA, CITY (LAWRENCE CO.)	OCTOBER 15, 1976
290646	VIBURNUM, CITY OF (IRON CO)	FEBRUARY 21, 1975
290633	WARDSVILLE, CITY (COLE CO.)	JULY 11, 1975
290648	WARRENTON, CITY OF (WARREN COU)	FEBRUARY 07, 1975
290024	WASHBURN, TOWN (BARRY CO)	JANUARY 10, 1975
290644	WAVERLY, CITY OF (LAFAYETTE CO.)	JULY 11, 1975
290651	WELLINGTON, CITY (LAFAYETTE CO.)	SEPTEMBER 19, 1975
290652	WELLSVILLE, CITY (MONTGOMERY CO.)	JULY 30, 1976
290483	WENTWORTH, TOWN (NEWTON CO)	JANUARY 10, 1975
290635	WESTBORO, VILLAGE (ATCHISON CO.)	JULY 11, 1975
290396	WESTWOOD, TOWN (ST. LOUIS CO)	MAY 28, 1976
290636	WHEATON, CITY (BARRY CO.)	AUGUST 13, 1976
290637	WHEELING, CITY (LIVINGSTON CO.)	DECEMBER 24, 1976
290653	WILLARD, CITY (GREENE CO.)	NOVEMBER 05, 1976
290452A	WILLIAMSVILLE, CITY OF (WAYNE CO.)	OCTOBER 18, 1974 AND MARCH 05, 1976
290639	WOODS HEIGHTS, VILLAGE (RAY CO.)	NOVEMBER 05, 1976
290654A	WRIGHT CITY, CITY OF (WARREN COU)	FEBRUARY 07, 1975 AND NOVEMBER 14, 1975
290085A	WYACONDA, CITY OF (CLARK CO.)	OCTOBER 18, 1974 AND NOVEMBER 14, 1975
290033A	ZALMA, VILLAGE OF (BOLLINGER CO.)	OCTOBER 25, 1974 AND NOVEMBER 07, 1975
	TOTAL IN THE STATE 197	
	MONTANA	
300066	BAINVILLE, TOWN (ROOSEVELT CO)	JANUARY 03, 1975
300090	BROCKTON, TOWN (ROOSEVELT CO)	JUNE 27, 1975
300091	CLYDE PARK, TOWN (PARK CO)	JANUARY 03, 1975
300016A	DEER LODGE COUNTY *	JUNE 07, 1977
300020	DENTON, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974
300092	DUTTON, TOWN (TETON CO)	APRIL 25, 1975
300111	EKALAKA, TOWN OF (CARTER CO.)	JULY 16, 1976
300070A	FORSYTH, CITY OF (ROSEBUD CO.)	MARCH 08, 1974 AND JANUARY 16, 1976
300013A	FORT BENTON, CITY OF (CHOUTEAU CO.)	MAY 10, 1974 AND NOVEMBER 28, 1975
300021	GRASS RANGE, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974
300095	HINGHAM, TOWN (HILL CO)	JULY 11, 1975
300080A	HYSHAM, TOWN OF (TREASURE CO.)	NOVEMBER 05, 1976
300006	JOLIET, TOWN OF (CARBON CO.)	DECEMBER 27, 1974
300116A	JORDAN, TOWN (GARFIELD CO)	JUNE 27, 1975 AND JANUARY 14, 1977
300096	KEVIN, TOWN (TOOLE CO)	JUNE 27, 1975
300031	LAVINA, TOWN (GOLDEN VALLEY CO)	JANUARY 24, 1975
300119	POLSON, CITY (LAKE CO)	SEPTEMBER 26, 1975
300122	RONAN, CITY (LAKE CO)	APRIL 25, 1975
300069A	ROSEBUD COUNTY *	AUGUST 02, 1974 AND NOVEMBER 22, 1977
300125	SHELBY, CITY (TOOLE CO)	APRIL 02, 1976
300126	SHERIDAN, TOWN (MADISON CO)	SEPTEMBER 19, 1975
300076A	SILVER BOW COUNTY *	JUNE 17, 1977
300127	SUNBURST, TOWN (TOOLE CO)	JANUARY 10, 1975
300130	THOMPSON FALLS, TOWN OF (SANDERS COU)	FEBRUARY 07, 1975
300047A	WHITE SULPHUR SPRINGS, CITY OF (MEAGER CO.)	MAY 24, 1974 AND JANUARY 16, 1976
300052	WINNETT, TOWN OF (PETROLEUM CO.)	DECEMBER 27, 1974
	TOTAL IN THE STATE 26	

* UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310243	ALEXANDRIA, VILLAGE (THAYER CO.)	SEPTEMBER 12, 1975
310341A	ARAPAHOE, CITY (FURNAS CO.)	JULY 25, 1975 AND APRIL 01, 1977
310342	ARNOLD, VILLAGE (CUSTER CO.)	AUGUST 15, 1975
310006	ARTHUR, VILLAGE (ARTHUR CO)	JANUARY 10, 1975
310246	ASHTON, VILLAGE (SHERMAN CO.)	JULY 11, 1975
310343	ATKINSON, CITY (HOLT CO.)	NOVEMBER 05, 1976
310247	AVOCA, VILLAGE (CASS CO.)	JULY 11, 1975
310249	BELGRADE, VILLAGE (NANCE CO.)	MAY 02, 1975
310026	BELLWOOD, VILLAGE OF (BUTLER CO.)	NOVEMBER 22, 1974
310250	BENEDICT, VILLAGE (YORK CO.)	APRIL 18, 1975
310066	BIG SPRINGS, VILLAGE OF (DEUEL CO.)	DECEMBER 20, 1974
310252	BLADEN, VILLAGE (WEBSTER CO.)	JULY 11, 1975
310351	BLOOMFIELD, CITY (KNOX CO.)	JULY 16, 1976
310416A	BOX BUTTE COUNTY *	AUGUST 23, 1977
310253	BRUNING, VILLAGE OF (THAYER CO)	JANUARY 31, 1975
310254	BRUNSWICK, VILLAGE (ANTELOPE CO.)	APRIL 02, 1976
310169	BURCHARD, VILLAGE OF (PAWNEE CO.)	NOVEMBER 08, 1974
310161	BURR, VILLAGE OF (OTOE CO.)	DECEMBER 06, 1974
310354	BURWELL, CITY (GARFIELD CO.)	APRIL 23, 1976
310255	BUSHNELL, VILLAGE (KIMBALL CO.)	MARCH 26, 1976
310355	CALLAWAY, VILLAGE (CUSTER CO.)	SEPTEMBER 19, 1975
310256	CAMPBELL, VILLAGE (FRANKLIN CO.)	AUGUST 22, 1975
310257	CARROLL, VILLAGE OF (WAYNE CO)	JANUARY 31, 1975
310258	CEDAR RAPIDS, VILLAGE (BOONE CO.)	JANUARY 10, 1975
310357	CHADRON, CITY (DAWES CO.)	SEPTEMBER 24, 1976
310260	CHAPMAN, VILLAGE (MERRICK CO.)	MARCH 26, 1976
310261	CHESTER, VILLAGE (THAYER CO.)	AUGUST 06, 1976
310262	CLEARWATER, VILLAGE (ANTELOPE CO.)	APRIL 02, 1976
310263	CODY, VILLAGE (CHERRY CO.)	MARCH 26, 1976
310426	COLFAX COUNTY *	JULY 26, 1977
310123A	COOK, VILLAGE OF (JOHNSON CO.)	OCTOBER 18, 1974 AND NOVEMBER 28, 1975
310360	CREIGHTON, CITY (KNOX CO.)	NOVEMBER 12, 1976
310427A	CUMING COUNTY *	AUGUST 16, 1977
310086	CURTIS, CITY (FRONTIER CO)	APRIL 02, 1976
310267	DAVENPORT, VILLAGE (THAYER CO.)	JULY 11, 1975
310268	DAWSON, VILLAGE (RICHARDSON CO.)	JULY 11, 1975
310041	DEWEESE, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310269	DILLER, VILLAGE (JEFFERSON CO.)	AUGUST 29, 1975
310270	DIX, VILLAGE (KIMBALL CO.)	SEPTEMBER 26, 1975
310271	DORCHESTER, VILLAGE (SALINE CO.)	MARCH 26, 1976
310272	DUNCAN, VILLAGE (PLATTE CO.)	FEBRUARY 18, 1977
310125A	ELK CREEK, VILLAGE OF (JOHNSON CO.)	NOVEMBER 01, 1974 AND NOVEMBER 21, 1975
310364	ELMWOOD, VILLAGE (CASS CO.)	AUGUST 29, 1975
310365	ELWOOD, VILLAGE OF (GOSPER CO.)	SEPTEMBER 05, 1975
310276	EUSTIS, VILLAGE (FRONTIER CO.)	SEPTEMBER 19, 1975
310114A	EWING, VILLAGE OF (HOLT CO.)	MAY 03, 1974 AND MAY 14, 1976
310061A	FARNAM, VILLAGE OF (DAWSON CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975
310088A	GAGE COUNTY	AUGUST 09, 1977
310278	GILTNER, VILLAGE (HAMILTON CO.)	APRIL 25, 1975
310373	GREELEY, VILLAGE (GREELEY CO.)	JULY 11, 1975
310375	GRETNA, CITY OF (SARPY CO.)	AUGUST 06, 1976
310234	GUIDE ROCK, VILLAGE (WEBSTER CO)	JULY 09, 1976
310281	HAIGLER, VILLAGE (DUNDY CO.)	AUGUST 15, 1975
310283	HARDY, VILLAGE (NUCKOLLS CO.)	NOVEMBER 19, 1976
310213A	HAY SPRINGS, CITY OF (SHERIDAN CO9)	MARCH 22, 1974 AND NOVEMBER 07, 1975
310286	HILDRETH, VILLAGE (FRANKLIN CO.)	JULY 30, 1976
310287	HOLBROOK, VILLAGE (FURNAS CO.)	JULY 11, 1975
310288	HOLSTEIN, VILLAGE (ADAMS CO.)	JULY 18, 1975
310380	HOWELLS, VILLAGE (COLFAX CO.)	JANUARY 17, 1975
310381A	HUMPHREY, VILLAGE (PLATTE CO.)	JULY 11, 1975 AND OCTOBER 03, 1975

* UNINCORPORATED AREAS ONLY

NEBRASKA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
310447A	JEFFERSON COUNTY *	JUNE	21, 1977	
310293	JUNIATA, VILLAGE (ADAMS CO.)	JANUARY	17, 1975	
310385B	LAUREL, VILLAGE (CEDAR CO.)	NOVEMBER	05, 1976	
310097	LEWELLEN, VILLAGE (GARDEN CO)	JANUARY	10, 1975	
310085	MAYWOOD, VILLAGE OF (FRONTIER CO.)	DECEMBER	20, 1974	
310302	MERNA, VILLAGE (CUSTER CO.)	MAY	02, 1975	
310303	MILLIGAN, VILLAGE (FILLMORE CO.)	JULY	09, 1976	
310083	NAPONEE, VILLAGE (FRANKLIN CO)	AUGUST	13, 1976	
310070A	NICKERSON, TOWN OF (DODGE CO.)	JANUARY	23, 1974	
310159	OAK, VILLAGE OF (NUCKOLLS CO.)	NOVEMBER	15, 1974	
310081	OHIOWA, VILLAGE OF (FILLMORE CO.)	NOVEMBER	08, 1974	
310044	ONG, VILLAGE OF (CLAY CO.)	NOVEMBER	08, 1974	
310394	ORLEANS, CITY (HARLAN CO.)	JULY	09, 1976	
310108A	PALISADE, VILLAGE OF (HAYES & HITCHCOCK COS.)	APRIL	15, 1977	
310307	PALMER, VILLAGE (MERRICK CO.)	JUNE	27, 1975	
310465A	PHELPS COUNTY *	AUGUST	16, 1977	
310216	PILGER, VILLAGE OF (STANTON CO.)	DECEMBER	06, 1974	
310175	PLAINVIEW, CITY OF (PIERCE CO.)	JULY	02, 1976	
310467A	PLATTE COUNTY *	AUGUST	16, 1977	
310310	POLK, VILLAGE (POLK CO.)	JUNE	27, 1975	
310138A	RAYMOND, VILLAGE OF (LANCASTER CO.)	OCTOBER	18, 1974	AND
		DECEMBER	12, 1975	
310312	RISING CITY, VILLAGE (BUTLER CO.)	JULY	11, 1975	
310084	RIVERTON, VILLAGE (FRANKLIN CO)	OCTOBER	29, 1976	
310214A	RUSHVILLE, CITY OF (SHERIDAN CO.)	MAY	03, 1974	AND
		APRIL	02, 1976	
310316	SCOTIA, VILLAGE (GREELEY CO.)	MAY	02, 1975	
310474A	SEWARD COUNTY *	JUNE	07, 1977	
310322	STAPLEHURST, VILLAGE (SEWARD CO.)	JANUARY	10, 1975	
310323	STAPLETON, VILLAGE OF (LOGAN CO)	FEBRUARY	21, 1975	
310171	STEINAUER, VILLAGE OF (PAWNEE CO.)	NOVEMBER	22, 1974	
310324	STELLA, VILLAGE (RICHARDSON CO.)	JULY	11, 1975	
310106	STOCKHAM, VILLAGE OF (HAMILTON CO.)	DECEMBER	06, 1974	
310172	TABLE ROCK, VILLAGE OF (PAWNEE CO.)	NOVEMBER	01, 1974	
310326	THEDFORD, VILLAGE (THOMAS CO.)	JULY	11, 1975	
310330	VERDON, VILLAGE (RICHARDSON CO.)	SEPTEMBER	26, 1975	
310404	WAKEFIELD, CITY (DIXON-WAYNE COS.)	AUGUST	29, 1975	
310405	WAUSA, VILLAGE (KNOX CO.)	AUGUST	08, 1975	
310484A	WAYNE COUNTY *	AUGUST	16, 1977	
310333	WESTERN, VILLAGE (SALINE CO.)	NOVEMBER	19, 1976	
310205A	WESTON, VILLAGE OF (SAUNDERS CO.)	OCTOBER	18, 1974	AND
		FEBRUARY	20, 1976	
310335	WILSONVILLE, VILLAGE (FURNAS CO.)	DECEMBER	03, 1976	
310336	WINSIDE, VILLAGE (WAYNE CO.)	JULY	18, 1975	
310337	WYNOT, VILLAGE (CEDAR CO.)	APRIL	25, 1975	

TOTAL IN THE STATE 101

NEVADA

320034A	GABBS, CITY OF (NYE CO.)	MAY	24, 1977	
320012	WINNEMUCCA, CITY OF (HUMBOLDT CO)	APRIL	23, 1976	

TOTAL IN THE STATE 2

* UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330152A	ACWORTH, TOWN OF (SULLIVAN CO.)	SEPTEMBER 13, 1974 AND FEBRUARY 18, 1977
330174	ALBANY, TOWN (CARROLL CO)	JANUARY 17, 1975
330041A	ALEXANDRIA, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975 AND APRIL 01, 1977
330175A	ATKINSON, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975 AND NOVEMBER 29, 1977
330176	AUBURN, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330177	BARNSTEAD, TOWN (BELKNAP CO)	JANUARY 03, 1975
330180	BROOKLINE, TOWN (HILLSBOROUGH CO)	APRIL 04, 1975
330126A	CANDIA, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975 AND NOVEMBER 19, 1976
330030A	CARROLL, TOWN (COOS CO)	JANUARY 24, 1975 AND NOVEMBER 12, 1976
330181A	CHATHAM, TOWN (CARROLL CO)	JANUARY 03, 1975 AND DECEMBER 10, 1976
330182	CHESTER, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330109A	CHICHESTER, TOWN OF (MERRIMACK CO.)	APRIL 05, 1974 AND DECEMBER 24, 1976
330184	CLARKSVILLE, TOWN (COOS CO)	JANUARY 03, 1975
330111A	DANBURY, TOWN (MERRIMACK CO)	JUNE 14, 1977
330199	DANVILLE, TOWN (ROCKINGHAM CO)	JANUARY 17, 1975
330050	DORCHESTER, TOWN (GRAFTON CO)	MARCH 14, 1975
330201	DUMMER, TOWN (COOS CO)	JANUARY 17, 1975
330202	DUNBARTON, TOWN (MERRIMACK CO)	JANUARY 17, 1975
330204A	EATON, TOWN (CARROLL CO)	JANUARY 17, 1975 AND OCTOBER 01, 1976
330012	EFFINGHAM, TOWN (CARROL CO.)	JANUARY 17, 1975
330206	ERROL, TOWN (COOS CO)	JANUARY 17, 1975
330207	FITZWILLIAM, TOWN (CHESHIRE CO)	NOVEMBER 26, 1976
330013A	FREEDOM, TOWN OF (CARROLL CO.)	AUGUST 30, 1974 AND AUGUST 13, 1976
330131A	FREMONT, TOWN OF (ROCKINGHAM CO.)	AUGUST 09, 1974 AND OCTOBER 29, 1976
330208	GILMANTON, TOWN (BELKNAP CO.)	JANUARY 17, 1975
330054	GRAFTON, TOWN (GRAFTON CO)	JANUARY 17, 1975
330212	HARRISVILLE, TOWN (CHESHIRE CO)	JANUARY 24, 1975
330114A	HENNIKER, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974 AND FEBRUARY 11, 1977
330216A	KENSINGTON, TOWN OF (ROCKINGHAM CO.)	SEPTEMBER 06, 1977
330217	KINGSTON, TOWN (ROCKINGHAM CO)	JANUARY 17, 1975
330060A	LANDAFF, TOWN OF (GRAFTON CO.)	DECEMBER 06, 1974 AND NOVEMBER 19, 1976
330159	LANGDON, TOWN (SULLIVAN CO)	JANUARY 03, 1975
330160	LEMPSTER, TOWN OF (SULLIVAN CO.)	JANUARY 31, 1975
330062A	LINCOLN, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975 AND MARCH 11, 1977
330117A	LOUDON, TOWN OF (MERRIMACK CO.)	AUGUST 02, 1974 AND MAY 31, 1977
330218A	LYNDEBOROUGH, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975 AND NOVEMBER 29, 1977
330219	MADBURY, TOWN (STRAFFORD CO)	JANUARY 17, 1975
330220A	MADISON, TOWN (CARROLL CO)	JANUARY 17, 1975 AND NOVEMBER 29, 1977
330221	MASON, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975
330222A	MIDDLETON, TOWN OF (STRAFFORD CO.)	JANUARY 31, 1975 AND JANUARY 10, 1978
330035	MILAN, TOWN OF (COOS CO)	JUNE 28, 1974
330149A	MILTON, TOWN OF (STRAFFORD COU)	FEBRUARY 07, 1975 AND FEBRUARY 18, 1977
330068	MONROE, TOWN OF (GRAFTON CO.)	NOVEMBER 29, 1974
330015A	MOULTONBOURGH, TOWN OF (CARROLL CO.)	FEBRUARY 11, 1977
330224	MOUNT VERNON, TOWN (HILLSBOROUGH CO)	JANUARY 17, 1975
330228A	NEWFIELDS, TOWN (ROCKINGHAM CO)	MARCH 12, 1976
330229	NEWINGTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330069	ORANGE, TOWN (GRAFTON CO)	JANUARY 10, 1975

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW HAMPSHIRE —Continued	
330070	ORFORD, TOWN (GRAFTON CO)	JULY 26, 1977
330186A	PITTSBURG, TOWN OF (COOS CO.)	JANUARY 31, 1975 AND JANUARY 07, 1977
330187	RANDOLPH, TOWN (COOS CO)	JANUARY 03, 1975
330188	RICHMOND, TOWN (CHESHIRE CO)	JANUARY 03, 1975 AND DECEMBER 27, 1977
330190A	ROLLINSFORD, TOWN (STRAFFORD CO)	JANUARY 03, 1975 AND FEBRUARY 28, 1978
330172	ROXBURY, TOWN OF (CHESIRE)	FEBRUARY 14, 1975
330073A	RUMNEY, TOWN OF (GRAFTON CO.)	MARCH 15, 1974 AND MARCH 11, 1977
330191	SANDOWN, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975
330143A	SEABROOK, TOWN OF (ROCKINGHAM CO.)	AUGUST 02, 1974 AND NOVEMBER 26, 1976
330193	SOUTH HAMPTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330194	STEWARTSTOWN, TOWN (COOS CO)	JANUARY 10, 1975
330195A	STODDARD, TOWN (CHESCHIRE CO)	JANUARY 17, 1975 AND MAY 17, 1977
330170A	SURRY, TOWN (CHESHIRE CO)	JANUARY 03, 1975 AND SEPTEMBER 03, 1976
330173A	TROY, TOWN (CHESHIRE CO)	JANUARY 03, 1975 AND JULY 23, 1976
330165A	UNITY, TOWN OF (SULLIVAN CO.)	MAY 31, 1974 AND NOVEMBER 26, 1976
330168A	WARREN, TOWN OF (GRAFTON CO.)	SEPTEMBER 13, 1974 AND MARCH 11, 1977
330166B	WASHINGTON, TOWN OF (SULLIVAN CO.)	DECEMBER 27, 1974 AND AUGUST 27, 1976
330235A	WEARE, TOWN OF (HILLSBOROUGH)	JUNE 21, 1977 FEBRUARY 14, 1975 AND FEBRUARY 11, 1977
330040A	WHITEFIELD, TOWN OF (COOS CO.)	JULY 26, 1974 AND NOVEMBER 26, 1976
330124A	WILMOT, TOWN OF (MERRIMACK CO.)	AUGUST 16, 1974 AND NOVEMBER 19, 1976
	TOTAL IN THE STATE	68
	NEW JERSEY	
340122A	AUDUBON PARK, BOROUGH OF (CAMDEN CO.)	JUNE 21, 1974
340540	MENDHAM, BOROUGH OF (MORRIS CO.)	JANUARY 31, 1975
340556A	MINE HILL, TOWNSHIP OF	JANUARY 07, 1977
340549	NEWFIELD, BOROUGH OF (GLOUCESTER CO.)	JULY 01, 1977
340441B	PEAPACK AND GLADSTONE, BOROUGH OF (SOMERSET CO.)	MARCH 01, 1974 AND MARCH 19, 1976
340111A	PEMBERTON, BORO (BURLINGTON CO)	AUGUST 20, 1976 AND DECEMBER 10, 1976
340421A	PITTSGROVE, TWP (SALEM CO)	DECEMBER 03, 1976
340212A	SOUTH HARRISON, TOWNSHIP OF (GLOUCESTER CO)	JUNE 28, 1974 AND JULY 02, 1976
340533	TABERNACLE, TOWNSHIP OF (BURLINGTON COU)	FEBRUARY 07, 1975
340544	TAVISTOCK, BOROUGH OF (CAMDEN CO.)	NOVEMBER 29, 1974
340479B	WINFIELD, TOWNSHIP OF (UNION CO.)	MARCH 08, 1974 AND OCTOBER 17, 1975
	TOTAL IN THE STATE	11

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW MEXICO	
350098	CAPITAN, VILLAGE (LINCOLN CO)	JUNE 25, 1976
350110	CARRIZOZO, TOWN (LINCOLN CO)	AUGUST 22, 1975
350050A	CHAMA, VILLAGE OF (RIO ARRIBA CO.)	AUGUST 16, 1974 AND DECEMBER 12, 1975
350111	CLOUDCROFT, VILLAGE (OTERO CO)	JUNE 27, 1975
350037	COLUMBUS, VILLAGE OF (LUNA CO.)	DECEMBER 13, 1974
350099	CORONA, VILLAGE (LINCOLN CO)	JUNE 04, 1976
350095	CUBA, VILLAGE (SANDOVAL CO)	DECEMBER 31, 1976
350100	DES MOINES, VILLAGE (UNION CO)	JULY 11, 1975
350112A	DEXTER, TOWN (CHAVES CO)	MAY 02, 1975 AND SEPTEMBER 17, 1976
350102A	ENCINO, VILLAGE (TORRANCE CO)	JULY 02, 1976 AND APRIL 15, 1977
350103	FLOYD, VILLAGE (ROOSEVELT CO)	APRIL 30, 1976
350121A	GRANT COUNTY	AUGUST 09, 1977
350123	LOS RANCHOS, VILLAGE (BERNALILLO CO)	NOVEMBER 05, 1976
350114	LOVING, VILLAGE (EDDY CO)	AUGUST 08, 1975
350076A	MAGDALENA, VILLAGE OF (SOCORRO CO.)	AUGUST 02, 1974 AND FEBRUARY 20, 1976
350106	MAXWELL, VILLAGE (COLFAX CO)	SEPTEMBER 19, 1975
350107	MOSQUERO, VILLAGE OF (HARDING CO.)	JULY 09, 1976
350116	QUESTA, VILLAGE (TAOS CO)	JANUARY 17, 1975
350108	ROY, VILLAGE (HARDING CO)	JULY 16, 1976
350132A	SAN MIGUEL COUNTY *	AUGUST 16, 1977
350138	SAN YSIDRO, CITY OF (SANDOVAL CO.)	JULY 02, 1976
350032A	TATUM, TOWN OF (LEA CO.)	JUNE 21, 1974 AND JANUARY 16, 1976
350118	VAUGHN, TOWN (GUADALUPE CO)	JULY 09, 1976
350119	WAGON MOUND, VILLAGE (MORA CO)	APRIL 09, 1976
350109	WILLARD, VILLAGE (TORRANCE CO)	SEPTEMBER 05, 1975
	TOTAL IN THE STATE	25
	NEW YORK	
360324B	ADAMS, TOWN OF (JEFFERSON CO.)	MAY 31, 1974 AND MAY 07, 1976
361361	ALLEN, TOWN OF (ALLEGHANY CO.)	OCTOBER 15, 1976 JANUARY 31, 1975
361379	ALTONA, TOWN (CLINTON CO)	JANUARY 03, 1975
361260	AMBOY, TOWN OF (OSWEGO CO.)	NOVEMBER 15, 1974
361095	ANGELICA, TOWN OF (ALLEGANY CO.)	SEPTEMBER 10, 1976
361117A	ATHENS, TOWN OF (GREENE CO.)	AUGUST 13, 1976 AND JUNE 03, 1977
360518A	AVA, TOWN OF (ONEIDA CO.)	JUNE 28, 1974 AND SEPTEMBER 10, 1976
361054A	BALDWIN, TOWN OF (CHEMUNG CO.)	MAY 31, 1974
361392	BELLMONT, TOWN (FRANKLIN CO)	JANUARY 17, 1975
361362	BIRDSALL, TOWN (ALLEGANY CO)	JANUARY 03, 1975
361097A	BOLIVAR, TOWN (ALLEGANY CO)	OCTOBER 29, 1976
361415	BOYLSTON, TOWN (OSWEGO CO)	JANUARY 03, 1975
360521A	BRIDGEWATER, TOWN OF (ONEIDA CO.)	SEPTEMBER 06, 1974 AND JULY 16, 1976
361128A	BROADALBIN, TOWN OF (FULTON CO.)	SEPTEMBER 20, 1974 AND AUGUST 06, 1976
360134	BROCTON, VILLAGE OF (CHAUTAUQUA CO.)	AUGUST 27, 1976
361480	BRUSHTON, VILLAGE OF (FRANKLIN CO.)	NOVEMBER 15, 1974
361098	BURNS, TOWN OF (ALLEGANY CO.)	NOVEMBER 08, 1974
361445	BUTLER, TOWN OF (WAYNE CO.)	NOVEMBER 29, 1974
361208	CAMERON, TOWN (STEUBEN CO)	JANUARY 10, 1975
361129A	CAROGA, TOWN OF (FULTON CO.)	NOVEMBER 08, 1974 AND JUNE 25, 1976
361563	CASTILE, VILLAGE OF (WYOMING CO)	FEBRUARY 28, 1975
360328C	CHAMPION, TOWN OF (JEFFERSON COU)	MAY 31, 1974 AND FEBRUARY 07, 1975

* UNINCORPORATED AREAS ONLY

NEW YORK —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361314	CHATHAM, TOWN (COLUMBIA CO)	JUNE	10, 1977	
361310	CHAZY, TOWN (CLINTON CO)	AUGUST	05, 1977	
360136A	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY	10, 1974	AND
		SEPTEMBER	10, 1976	
361422	CLARE, TOWN (ST. LAWERENCE CO)	JANUARY	03, 1975	
360524A	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY	24, 1974	AND
		JULY	30, 1976	
361380	CLINTON, TOWN (CLINTON CO)	JANUARY	24, 1975	
360064B	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	JUNE	21, 1974	AND
		JUNE	25, 1976	
360360A	CONSTABLEVILLE, VILLAGE OF (LEWIS CO.)	AUGUST	09, 1974	AND
		MAY	28, 1976	
361441	COURTLAND, CITY OF (CORTLAND CO.)	FEBRUARY	14, 1975	
361209	DANSVILLE, TOWN (STEUBEN CO)	JANUARY	24, 1975	
360300A	DANUBE, TOWN OF (HERKIMER CO.)	APRIL	05, 1974	AND
		JUNE	18, 1976	
361368	DELEVAN, VILLAGE (CATTARAUGUS CO)	JANUARY	03, 1975	
360364A	DIANA, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	AND
361122A	DICKINSON, TOWN OF (FRANKLIN CO.)	NOVEMBER	08, 1974	AND
		JANUARY	09, 1976	
360746	DIX, TOWN OF (SCHUYLER CO.)	SEPTEMBER	03, 1976	
360956	DRESDEN, VILLAGE (YATES CO)	FEBRUARY	20, 1976	AND
		FEBRUARY	20, 1976	
360414A	EAST ROCHESTER, VILL (MONROE CO)	JANUARY	14, 1977	
361176A	EDWARDS, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	AND
		FEBRUARY	06, 1976	
361463A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	AND
		FEBRUARY	06, 1976	
361491	ELIZABETHTOWN, VILLAGE (ESSEX CO)	JANUARY	24, 1975	
361382	ELLENBURG, TOWN (CLINTON CO)	MARCH	14, 1975	
361374	ERIN, TOWN (CHEMUNG CO)	JANUARY	10, 1975	
361397	FRANKLIN, TOWN (FRANKLIN CO)	JULY	18, 1975	
361325	FREETOWN, TOWN (CORTLAND CO)	JANUARY	17, 1975	
361100	FRIENDSHIP, TOWN (ALLEGANY CO)	JANUARY	03, 1975	
361101	GENESEE, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	
361452A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	NOVEMBER	15, 1974	AND
		NOVEMBER	14, 1975	
361567	GERMAN, TOWN OF (CHENANGEO CO.)	JULY	29, 1977	
361455	GILBERTSVILLE, VILLAGE (OTSEGO CO)	JULY	16, 1976	
361178	GOUVERNEUR, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	
361210	GREENWOOD, TOWN (STEUBEN CO)	JANUARY	03, 1975	
360873A	HAGUE, TOWN OF (WARREN CO.)	NOVEMBER	05, 1976	AND
		MARCH	10, 1978	
360291	HALCOTT, TOWN OF (GREEN CO.)	FEBRUARY	14, 1975	
360651	HANNIBAL, TOWN (OSWEGO CO)	OCTOBER	01, 1976	
361451B	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER	15, 1974	AND
		MAY	28, 1976	
361234	HARTFORD, TOWN OF (WASHINGTON CO.)	DECEMBER	27, 1974	
361513A	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO.)	NOVEMBER	15, 1974	AND
		JULY	02, 1976	
361179	HOPKINTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	
361434	HOWARD, TOWN OF (STEUBEN CO.)	DECEMBER	27, 1974	
360078A	HUMPHREY, TOWN OF (CATTARAUGUS CO.)	AUGUST	30, 1974	AND
		JULY	16, 1976	
361008A	INDEPENDENCE, TOWN OF (ALLEGANY CO.)	SEPTEMBER	06, 1974	AND
		JUNE	11, 1976	
361113A	INDIAN LAKE, TOWN (HAMILTON CO)	DECEMBER	10, 1976	
360958A	ITALY, TOWN OF (YATES CO.)	JUNE	28, 1974	AND
		AUGUST	20, 1976	
361212A	JASPER, TOWN OF (STEUBEN CO.)	NOVEMBER	01, 1974	AND
		JULY	02, 1976	
361196	JEFFERSON, TOWN (SCHOHARIE CO)	AUGUST	12, 1977	
360875	JOHNSBURG, TOWN OF (WARREN CO.)	AUGUST	27, 1976	AND
		JULY	01, 1977	
361131A	JOHNSTOWN, TOWN OF (FULTON CO.)	OCTOBER	25, 1974	AND
		MARCH	18, 1977	

NEW YORK —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360266A	KEESEVILLE, VILLAGE OF (ESSEX CO.)	MAY 31, 1974 AND MAY 21, 1976
361321A	KINDERHOOK, TOWN OF (COLUMBIA CO.)	OCTOBER 22, 1976
360011	KNOX TOWNSHIP (ALBANY CO)	OCTOBER 22, 1976
360876	LAKE GEORGE, TOWN OF (WARREN CO.)	AUGUST 27, 1976
361456	LEICESTER, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975
360080A	LEON, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND JUNE 18, 1976
361152	LEWIS, TOWN OF (ESSEX CO.)	NOVEMBER 29, 1974
360368A	LEWIS, TOWN OF (LEWIS CO.)	JUNE 28, 1974 AND JULY 09, 1976
361457A	LIMA, VILLAGE (LIVINGSTON CO)	JANUARY 16, 1976
360309A	LITCHFIELD, TOWN OF (HERKIMER CO.)	MARCH 15, 1974 AND APRIL 09, 1976
361458	LIVONIA, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975
361406	LONG LAKE, TOWN (HAMILTON CO)	JULY 25, 1975
360083A	LYNDON, TOWN OF (CATTARAUGUS CO.)	AUGUST 09, 1974
360371A	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST 16, 1974 AND JULY 16, 1976
360084A	MACHIAS, TOWN OF (CATTARAUGUS CO.)	OCTOBER 18, 1974 AND AUGUST 27, 1976
361153A	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER 20, 1974 AND JULY 09, 1976
361125	MOIRA, TOWN OF (FRANKLIN CO.)	NOVEMBER 15, 1974
361488	MOOERS, VILLAGE (CLINTON CO)	JANUARY 03, 1975
361389	MORIAH, TOWN OF (ESSEX CO.)	NOVEMBER 22, 1974
360706B	MORRISTOWN, TOWN OF (ST. LAWRENCE CO.)	SEPTEMBER 06, 1974 AND JULY 16, 1976 JULY 01, 1977
360295A	NEW BALTIMORE, TOWN (GREENE CO)	DECEMBER 17, 1976
361400A	NORTHAMPTON, TOWN OF (FULTON CO.)	JANUARY 31, 1975 AND AUGUST 06, 1976
361408	OHIO, TOWN (HERKIMER CO)	JANUARY 03, 1975
361526A	ONEIDA CASTLE, VILLAGE (ONEIDA CO.)	NOVEMBER 26, 1976
361134A	OPPENHEIM, TOWN OF (FULTON CO.)	NOVEMBER 08, 1974 AND JUNE 18, 1976
361263	PALERMO, TOWN OF (OSWEGO COU)	FEBRUARY 07, 1975
360896	PALMYRA, VILLAGE (WAYNE CO)	JULY 29, 1977
361425	PARISHVILLE, TOWN (ST. LAWERENCE CO)	JANUARY 17, 1975
361426	PIERCEFIELD, TOWN OF (ST. LAWRENCE CO.)	JANUARY 31, 1975
360375A	PINCKNEY, TOWN OF (LEWIS CO.)	SEPTEMBER 06, 1974
361356A	PROSPECT, VILLAGE OF (ONEIDA CO.)	NOVEMBER 15, 1974
361190A	PROVIDENCE, TOWN OF (SARATOGA CO.)	NOVEMBER 15, 1974 AND AUGUST 06, 1976
360781A	RATHBONE, TOWN OF (STEUBEN CO.)	AUGUST 02, 1974 AND SEPTEMBER 17, 1976
361346	RAVENA, VILLAGE (ALBANY CO)	OCTOBER 22, 1976
361548	RED CREEK, VILLAGE (WAYNE CO)	JANUARY 10, 1975
361366	RED HOUSE, TOWN OF (CATTATAQUA CO)	FEBRUARY 28, 1975 AND DECEMBER 30, 1977
361265	REDFIELD, TOWN OF (OSWEGO CO.)	NOVEMBER 22, 1974
360541A	REMSEN, VILLAGE (ONEIDA CO)	MARCH 04, 1977
361466A	RENSSELAER FALLS, VILLAGE (ST. LAWERENCE CO)	JUNE 03, 1977
361467	RICHVILLE, VILLAGE (ST. LAWERENCE CO)	JANUARY 10, 1975
361186A	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 01, 1974 AND MARCH 26, 1976
361121A	RUSSIA, TOWN OF (HERKIMER CO.)	NOVEMBER 01, 1974 AND JUNE 18, 1976
360098A	SALAMANCA, TOWN OF	JUNE 03, 1977
360317A	SALISBURY, TOWN OF (HERKIMER CO.)	JUNE 07, 1974 AND JULY 16, 1976
360171	SARANAC, TOWN (CLINTON CO)	APRIL 18, 1975
361229A	SAVANNAH, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974 AND JUNE 25, 1976

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW YORK —Continued	
361505	SAVANNAH, VILLAGE (WAYNE CO)	AUGUST 27, 1976
361058	SCHAGHTICOKE, VILLAGE OF (RENSSELAER CO.)	JANUARY 23, 1976
361040A	SMITHVILLE, TOWN OF (CHENANGO COU)	JUNE 10, 1977
360099B	SOUTH DAYTON, VILLAGE OF	MAY 31, 1974 AND JUNE 18, 1976
360100A	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 24, 1976 JUNE 10, 1977
361288A	SPARTA, TOWN OF (LIVINGSTON CO.)	NOVEMBER 08, 1974 AND JUNE 11, 1976
360555A	STEUBEN, TOWN OF (ONEIDA CO.)	JUNE 28, 1974 AND JULY 09, 1976
360880A	STONY CREEK, TOWN OF (WARREN CO.)	DECEMBER 17, 1976
361136	STRATFORD, TOWN OF (FULTON CO.)	NOVEMBER 15, 1974
361157A	ST. ARMAND, TOWN OF (ESSEX CO.)	OCTOBER 25, 1974 AND JULY 02, 1976
360881	THURMAN, TOWN OF (WARREN CO.)	AUGUST 20, 1976
361213A	THURSTON, TOWN OF (STEUBEN CO.)	OCTOBER 25, 1974 AND AUGUST 13, 1976
360557A	TRENTON, VILLAGE OF (ONEIDA CO.)	AUGUST 30, 1974 AND JUNE 18, 1976
361436	TROUPSBURG, TOWN OF (STEUBEN CO)	FEBRUARY 21, 1975
360733A	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL 05, 1974
361228B	WALWORTH, TOWN OF (WAYNE CO.)	DECEMBER 13, 1974 AND OCTOBER 10, 1975 MAY 28, 1976
360563A	WATERVILLE, VILLAGE OF (ONEIDA CO.)	JUNE 14, 1974 AND JUNE 18, 1976
361112	WELLS, TOWN OF (HAMILTON CO.)	NOVEMBER 29, 1974
361246	WETHERSFIELD, TOWN OF (WYOMING CO.)	DECEMBER 13, 1974
361267A	WILLIAMSTOWN, TOWN OF (OSWEGO CO.)	NOVEMBER 01, 1974 AND JULY 02, 1976
361161	WILMINGTON, TOWN (ESSEX CO)	JANUARY 17, 1975
	TOTAL IN THE STATE 135	
	NORTH CAROLINA	
370004A	ALLEGHANY COUNTY	JULY 01, 1977
370284	ANSON COUNTY	JULY 15, 1977
370358	AUTRYVILLE, TOWN (SAMPSON CO)	JULY 25, 1975
370162	BAKERSVILLE, TOWN (MITCHELL CO)	MAY 27, 1977
370288	BATH, TOWN (BEAUFORT CO)	JULY 08, 1977
370088	BATTLEBORO, TOWN (EDGECOMBE CO)	AUGUST 15, 1975
370183	BAYBORO, TOWN (PAMLICO CO)	JULY 30, 1976
370394	BOLIVIA, TOWN OF (BRUNSWICK CO.)	JUNE 10, 1977
370395	CALABASH, TOWN OF (BRUNSWICK CO.)	JUNE 10, 1977
370210	CHINA GROVE, TOWN OF (ROWAN CO.)	JANUARY 09, 1974
370321	CRAMERTON, TOWN (GASTON CO)	JULY 11, 1975
370287	CROSSNORE, TOWN (AVERY CO)	AUGUST 05, 1977
370322	DALLAS, TOWN (GASTON CO)	JUNE 27, 1975
370359	EAST LAURINBURG, TOWN (SCOTLAND CO)	JULY 11, 1975
370382	ELK PARK, TOWN OF (AVERY CO.)	JULY 02, 1976
370352	FAITH, TOWN (ROWAN CO)	OCTOBER 17, 1975
370326	HOOKERTON, TOWN (GREENE CO)	SEPTEMBER 26, 1975
370383	JUPITER, TOWN OF (BUNCOMBE CO.)	OCTOBER 29, 1976
370399	KENANSVILLE, TOWN OF (DUBLIN CO.)	JUNE 24, 1977
370319A	KERNERSVILLE, TOWN (FORSYTH CO).	MAY 27, 1977
370384	LAUREL PARK, TOWN OF (HENDERSON CO.)	JUNE 11, 1976
370303	LAWNDALE, TOWN (CLEVELAND CO)	JULY 11, 1975
370317A	LEGGETT, TOWN (EDGECOMBE CO)	JULY 01, 1977

NORTH CAROLINA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
370144	LENOIR COUNTY *	DECEMBER 27, 1974
370323	LOWELL, TOWN (GASTON CO)	AUGUST 15, 1975
370090A	MACCLESFIELD, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974 AND JUNE 11, 1976
370385	MARS HILL, TOWN OF (MADISON CO.)	JULY 02, 1976
370101A	MCADENVILLE, CITY OF (GASTON CO.)	JUNE 21, 1974 AND JULY 16, 1976
370309	MOCKSVILLE, TOWN (DAVIE CO)	JULY 11, 1975
370257B	NORTH WILKESBORO, CITY OF (WILKES CO.)	APRIL 12, 1974 AND AUGUST 13, 1976
370349	ORRUM, TOWN (ROBESON CO)	APRIL 25, 1975
370337	PINE BLUFF, TOWN (MOORE CO)	JULY 11, 1975
370324	RANLO, TOWN (GASTON CO)	JUNE 27, 1975
370341	RICHLANDS, TOWN (ONSLOW CO)	JULY 11, 1975
370106A	ROBBINSVILLE, TOWN OF (GRAHAM CO.)	JUNE 14, 1974 AND AUGUST 27, 1976
370355A	RUTH, TOWN (RUTHERFORD CO)	APRIL 01, 1977
370220	SAMPSON COUNTY *	DECEMBER 20, 1974
370143A	SANFORD, CITY (LEE CO)	APRIL 15, 1977
370392	SEVEN SPRINGS, TOWN OF (WAYNE CO.)	JULY 15, 1977
370093A	SPEED, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974 AND APRIL 02, 1976
370356A	SPINDALE, TOWN OF (RUTHERFORD CO.)	JUNE 27, 1975 AND DECEMBER 09, 1977
370371	STANTONSBURG, TOWN (WILSON CO)	OCTOBER 03, 1975
370075A	VANCEBORO, TOWN OF (CRAVEN CO.)	MARCH 01, 1974 AND JULY 02, 1976
370360	WAGRAM, TOWN (SCOTLAND CO)	AUGUST 08, 1975
370254	WAYNE COUNTY *	DECEMBER 27, 1974
370345	WINFALL, TOWN (PERQUIMANS CO)	JULY 25, 1975
370365	WINGATE, TOWN (UNION CO)	OCTOBER 03, 1975
	TOTAL IN THE STATE	47

NORTH DAKOTA

380151	ABERCROMBIE, CITY (RICHLAND CO)	OCTOBER 29, 1976
380045	BALFOUR, CITY (MCHENRY CO)	SEPTEMBER 05, 1975
380157	BERTHOLD, CITY (WARD CO)	JULY 11, 1975
380216	BOW BELLS, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380218	CARRINGTON, CITY (FOSTER CO.)	MAY 28, 1976 AND MARCH 07, 1978
380121	COURTENAY, CITY OF (STUTSMAN CO.)	DECEMBER 27, 1974
380039	DAWSON, CITY OF (KIDDER CO.)	DECEMBER 06, 1974
380143	DONNYBROOK, CITY (WARD CO)	OCTOBER 29, 1976
380222	DRAKE, CITY OF (MC HENRY CO)	FEBRUARY 21, 1975
380169	FLAXTON, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380170	FORDVILLE, CITY (WALSH CO)	JUNE 04, 1976
380171	FORTUNA, CITY (DIVIDE CO)	JULY 25, 1975
380173	GLADSTONE, CITY (STARK CO)	AUGUST 13, 1976
380174	GLENBURN, CITY OF (RENVILLE)	FEBRUARY 14, 1975 AND MARCH 28, 1978
380175	GOLDEN VALLEY, CITY (MERCER CO)	JUNE 27, 1975 AND JANUARY 17, 1978
380176	GRANVILLE, CITY (MCHENRY CO)	JANUARY 17, 1975
380099	GREAT BEND, CITY OF (RICHLAND CO.)	JULY 30, 1976
380178	HANNAFORD, CITY (GRIGGS CO)	JANUARY 17, 1975
380179	HOOPLE, CITY (WALSH CO)	AUGUST 13, 1976
380048	KARLSRUHE, CITY (MCHENRY CO)	JANUARY 10, 1975
380075A	LAKOTA, CITY OF (NELSON CO.)	MAY 03, 1974 AND DECEMBER 26, 1975
380184	LANSFORD, CITY OF (BOTTINEAU)	FEBRUARY 14, 1975
380237	LIDGERWOOD, CITY OF (RICHLAND)	FEBRUARY 14, 1975
380187	LITCHVILLE, CITY (BARNES CO)	JANUARY 17, 1975

* UNINCORPORATED AREAS ONLY

NORTH DAKOTA—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
380037	MANVEL, CITY (GRAND FORKS CO)	JANUARY 10, 1975
380008	MAXBASS, CITY OF (BOTTINEAU CO.)	NOVEMBER 22, 1974
380109	MCCLUSKY, CITY (SHERIDAN CO)	NOVEMBER 05, 1976 AND JANUARY 17, 1978
380124	MEDINA, CITY OF (STUTSMAN CO.)	DECEMBER 20, 1974
380125	MONTPELIER, CITY OF (STUTSMAN CO.)	NOVEMBER 15, 1974
380242	NEW ENGLAND, CITY (HETTINGER CO)	JULY 16, 1976
380031A	NEW ROCKFORD, CITY OF (EDDY CO.)	NOVEMBER 23, 1973 AND APRIL 16, 1976
380192	OSNABROCK, CITY OF (CAVALIER CO.)	FEBRUARY 21, 1975
380073	PARSHALL, CITY OF (MOUNTRAIL CO.)	NOVEMBER 29, 1974
380195	PLAZA, CITY (MOUNTRAIL CO)	AUGUST 13, 1976
380199	REYNOLDS, CITY OF (GRAND FORKS & TRAIL COUNTIES)	OCTOBER 29, 1976
380248	RICHARDTON, CITY (STARK CO)	AUGUST 06, 1976
380145	SAWYER, CITY OF (WARD CO)	JANUARY 31, 1975
380204	SHERWOOD, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380318A	STANLEY, CITY OF (MOUNTRAIL CO.)	JULY 19, 1977
380250	STANTON, CITY (MERCER CO)	APRIL 02, 1976
380251	STEELE, CITY OF (KIDDER CO)	FEBRUARY 21, 1975
380249	ST. THOMAS, CITY OF (PEMBINA CO)	FEBRUARY 21, 1975
380206	SURREY, CITY (WARD CO)	JUNE 27, 1975
380118	TAYLOR, CITY (STARK CO)	NOVEMBER 05, 1976
380208	THOMPSON, CITY OF (GRAND FORKS)	FEBRUARY 14, 1975
380210	TOWER CITY, CITY (BARNES CO.)	JANUARY 10, 1975
380050	UPHAM, CITY OF (MCHENRY CO.)	DECEMBER 06, 1974
380063A	WASHBURN, CITY OF (MCLEAN CO.)	MARCH 22, 1974 AND JANUARY 03, 1978
380074	WHITE EARTH, CITY OF (MOUNTRAIL CO.)	DECEMBER 20, 1974
380211	WILDROSE, CITY (WILLIAMS CO)	AUGUST 15, 1975
	TOTAL IN THE STATE	50

OHIO

390727	ALBANY, VILLAGE OF (ATHENS)	FEBRUARY 14, 1975
390207A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)	FEBRUARY 01, 1974 AND DECEMBER 05, 1975
390348A	AVON, CITY OF (LORAIN CO.)	APRIL 12, 1974 AND MARCH 28, 1975
390159A	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)	JUNE 21, 1974 AND APRIL 16, 1976
390339	BELLE CENTER, VILLAG (LOGAN CO)	NOVEMBER 19, 1976
390805	BELOIT, VILLAGE OF (MAHONING CO.)	AUGUST 26, 1977
390650A	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)	APRIL 05, 1974
390674	BETHESDA, VILLAGE OF (BELMONT COU)	FEBRUARY 07, 1975
390500A	BETTSVILLE, VILLAGE OF (SENECA CO.)	APRIL 12, 1974
390074	BLANCHESTER, VILLAGE OF (CLINTON CO.)	APRIL 05, 1974
390643	BOLIVAR, VILLAGE OF (TUSCARAWAS CO.)	OCTOBER 29, 1976
390728	BUCHTEL, VILLAGE OF (ATHENS COU)	FEBRUARY 07, 1975
390753	BURBANK, VILLAGE (WAYNE CO)	APRIL 18, 1975
390488A	BURGOON, VILLAGE OF (SANDUSKY CO.)	AUGUST 02, 1974 AND JULY 16, 1976
390801	CAIRO, VILLAGE OF (ALLEN CO.) (ALLEN CO.)	JULY 15, 1977
390461A	CAMDEN, VILLAGE OF (PREBLE CO.)	MAY 10, 1974 AND AUGUST 27, 1976
390685	CASTINE, VILLAGE (DARKE CO.)	JULY 15, 1977
390607	CEDARVILLE, VIL (GREENE CO)	JANUARY 10, 1975
390678	CLIFTON, VILLAGE OF	AUGUST 08, 1975
390291A	COALTON, VILLAGE OF (JACKSON CO.)	FEBRUARY 01, 1974 AND MAY 21, 1976
390711	COMMERCIAL POINT, VILLAGE OF (PICKAWAY COU)	JANUARY 31, 1975
390555	CORWIN, VILLAGE OF (WARREN CO.)	JULY 16, 1976
390575A	CRESTON, VILLAGE OF (WAYNE CO.)	FEBRUARY 01, 1974 AND MAY 28, 1976

OHIO—Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390187	CROWN CTY, VILLAGE (GALLIA CO)	JANUARY 10, 1975
390712	DARBYVILLE, VILLAGE OF (PICKAWAY COU)	FEBRUARY 07, 1975
390262	DESHLER, VILLAGE (HENRY CO)	JULY 23, 1976
390656A	ELIDA, VILLAGE OF (ALLEN CO.)	MARCH 29, 1974
390314	FAIRPORT HARBOR, VILLAGE OF (LAKE CO.)	JULY 23, 1976
390788A	FAYETTEVILLE, VILLAGE (BROWN CO)	AUGUST 05, 1977
390468A	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)	MAY 31, 1974 AND SEPTEMBER 03, 1976
390426	FRAZEYSBURG, VIL. OF (MUSKINGUM CO.)	AUGUST 30, 1974
390469A	GILBOA, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974
390442A	GLENFORD, VILLAGE OF (PERRY CO.)	AUGUST 23, 1974
390277A	GLENMONT, VIL. OF (HOLMES CO.)	OCTOBER 29, 1976
390614	GRAFTON, VILLAGE OF (LORAIN CO.)	DECEMBER 20, 1974
390554B	HAMDEN, VILLAGE OF (VINTON CO.)	FEBRUARY 01, 1974 AND MAY 07, 1976 AND DECEMBER 24, 1976
390264A	HAMLER, VILLAGE OF (HENRY CO.)	APRIL 12, 1974 AND APRIL 15, 1977
390250A	HARDIN COUNTY	JANUARY 03, 1975 AND NOVEMBER 26, 1976
390594B	HUNTING VALLEY, VILLAGE OF (CUYAHOGA CO.)	NOVEMBER 30, 1973 AND JUNE 04, 1976
390505A	JACKSON CENTER, VILLAGE OF (SHELBY CO.)	MAY 31, 1974 AND JULY 09, 1976
390246A	JENERA, VILLAGE OF (HANCOCK CO.)	AUGUST 09, 1974
390471B	KALIDA, VILLAGE OF (PUTNUM CO.)	MARCH 01, 1974
390456A	KENT, CITY OF (PORTAGE CO.)	OCTOBER 26, 1973 AND JULY 30, 1976
390201A	KIMBOLTON, VILLAGE OF (GUERNSEY CO.)	DECEMBER 06, 1974
390306	KNOX COUNTY *	JANUARY 31, 1975 AND NOVEMBER 11, 1977
390270A	LEESBURG, VILLAGE OF (HIGHLAND CO.)	APRIL 05, 1974
390050A	LEESVILLE, VILLAGE OF (CARROLL CO.)	SEPTEMBER 20, 1974
390617	LEWISBURG, VIL (PREBLE CO)	AUGUST 08, 1975
390691	LOCKBOURNE, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390223A	LOCKLAND, CITY OF (HAMILTON CO.)	FEBRUARY 15, 1974 AND JANUARY 13, 1978
390346A	LORAIN COUNTY	JUNE 03, 1977
390661B	LUCAS, VILLAGE OF (RICHLAND CO.)	APRIL 05, 1974 AND SEPTEMBER 26, 1975 AND JUNE 24, 1977
390748	MARBLEHEAD, VILLAGE (OTTAWA CO)	APRIL 18, 1975
390226A	MARIEMONT, VILLAGE OF (HAMILTON CO.)	FEBRUARY 08, 1974 AND JANUARY 10, 1975
390756	MARSEILLES, VILLAGE (WYANDOT CO)	APRIL 18, 1975
390718	MCARTHUR, VILLAGE (VINTON CO.)	NOVEMBER 26, 1976
390254A	MCGUFFEY, VILLAGE OF (HARDIN CO.)	MAY 10, 1974
390378A	MEDINA COUNTY	JANUARY 10, 1975 AND APRIL 15, 1977
390799	MIFFLIN, VILLAGE OF (ASHLAND CO.) (ASHLAND CO.)	JULY 08, 1977
390689	MILLERSPORT, VILLAGE OF (FAIRFIELD COU)	JANUARY 31, 1975
390041A	MILLVILLE, VILLAGE OF (BUTLER CO.)	JUNE 07, 1974 AND MAY 07, 1976
390396A	MONTEZUMA, VILLAGE OF (MERCER CO.)	AUGUST 09, 1974 AND MAY 28, 1976
390581A	MONTPELIER, VILLAGE OF (WILLIAMS CO.)	MAY 31, 1974
390746A	MORRAL, VILLAGE (MARION CO)	APRIL 18, 1975 AND AUGUST 27, 1976
390249A	MOUNT CORY, VILLAGE OF (HANCOCK CO.)	SEPTEMBER 20, 1974
390621A	MOUNT ORAB, VIL (BROWN CO)	JULY 25, 1975 AND MAY 07, 1976
390722A	NEVADA, VILLAGE OF (WYANDOT)	FEBRUARY 14, 1975 AND NOVEMBER 19, 1976
390285A	NORTH FAIRFIELD, VILLAGE OF (HURON CO.)	MARCH 15, 1974 AND APRIL 09, 1976
390679	NORTH HAMPTON, VILLAGE OF (CLARK COU)	FEBRUARY 07, 1975
390141A	OSGOOD, VILLAGE OF (DARKE CO.)	AUGUST 30, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	OHIO—Continued	
390439A	PAYNE, VILLAGE OF (PAULDING CO.)	MAY 03, 1974
390287A	PLYMOUTH, VILLAGE OF (HURON CO.)	MAY 03, 1974 AND MAY 21, 1976
390460	PREBLE COUNTY	AUGUST 26, 1977
390465	PUTNAM COUNTY	AUGUST 12, 1977
390724	RICHMOND, VILLAGE (JEFFERSON CO.)	AUGUST 22, 1975
390692	RIVERLEA, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390744	ROCHESTER, VILLAGE (LORAIN CO)	AUGUST 08, 1975
390645A	ROGERS, VILLAGE OF (COLUMBIANA CO.)	MARCH 22, 1974
390627	SABINA, VIL (CLINTON CO)	JULY 25, 1975
390706	SARAHSVILLE, VILLAGE OF (NOBLE CO)	MARCH 28, 1975
390503	SHELBY COUNTY *	DECEMBER 20, 1974 AND DECEMBER 23, 1977
390046	SOMERVILLE, VILLAGE (BUTLER CO)	JULY 25, 1975
390312	SOUTH MOUNT VERNON, VILLAGE OF (KNOX CO.)	JUNE 21, 1974
390485A	SOUTH SALEM, VILLAGE OF (ROSS CO.)	AUGUST 23, 1974
390546A	SUGAR CREEK, VILLAGE OF (TUSCARAWAS CO.)	MAY 31, 1974 AND JUNE 11, 1976
390632	SWANTON, VIL (FULTON CO)	JULY 25, 1975
390755	TONTOGANY, VILLAGE (WOOD CO)	APRIL 18, 1975
390716	UNIONVILLE CENTER, VILL (UNION CO.)	OCTOBER 15, 1976
390704	UNION, VILLAGE (MONTGOMERY)	FEBRUARY 14, 1975
390648A	VAN BUREN, VILLAGE OF (HANCOCK CO.)	MARCH 22, 1974
390475	VAUGHNSVILLE, TOWN OF (PUTNAM CO.)	NOVEMBER 15, 1974
390464A	VERONA, VILLAGE OF (PREBLE CO.)	OCTOBER 18, 1974 AND MAY 28, 1976
390189	VINTON, VILLAGE OF (GALLIA CO.)	DECEMBER 27, 1974
390649A	WAITE HILL, VILLAGE OF (LAKE CO.)	DECEMBER 17, 1973 AND JUNE 25, 1976
390087A	WASHINGTONVILLE, VILLAGE OF (COLUMBIANA & MAHONING)	NOVEMBER 09, 1973 AND JUNE 04, 1976
390293A	WELLSTON, CITY OF (JACKSON CO.)	FEBRUARY 15, 1974 AND JUNE 11, 1976
390638	WEST JEFFERSON, VIL (MADISON CO)	JULY 25, 1975
390072A	WILLIAMSBURG, VILLAGE OF (CLERMONT CO.)	MARCH 29, 1974
390579A	WOOSTER, CITY OF (WAYNE CO.)	OCTOBER 26, 1973
390798	YANKEE LAKE, VILLAGE OF (TRUMBULL CO.) (TRUMBULL CO.)	JULY 29, 1977
390345A	ZANESFIELD, VILLAGE OF (LOGAN CO.)	OCTOBER 18, 1974
	TOTAL IN THE STATE 101	
	OKLAHOMA	
400255	ACHILLE, TOWN (BRYAN CO.)	APRIL 02, 1976
400256	ADAIR, TOWN (MAYES CO.)	APRIL 02, 1976
400074A	ADDINGTON, TOWN OF (JEFFERSON CO.)	OCTOBER 18, 1974 AND APRIL 16, 1976
400259	ASHER, TOWN (POTTAWATOMIE CO.)	JUNE 04, 1976
400260	BENNINGTON, TOWN OF (BRYAN CO.)	AUGUST 13, 1976
400261	BESSIE, TOWN (WASHITA CO.)	AUGUST 15, 1975
400346	BETHEL ACRES, TOWN (POTTAWATOMIE CO.)	DECEMBER 31, 1976
400347	BILLINGS, TOWN (NOBLE CO.)	AUGUST 13, 1976
400263	BRADLEY, TOWN (GRADY CO.)	AUGUST 13, 1976
400405A	BRIDGEPORT, TOWN OF (CADDO CO.)	APRIL 01, 1977
400051A	BRISTOW, CITY OF (CREEK CO)	JUNE 28, 1974 AND DECEMBER 26, 1975
400149	BURBANK, TOWN (OSAGE CO)	JANUARY 10, 1975
400266	BUTLER, TOWN (CUSTER CO.)	NOVEMBER 05, 1976
400175A	BYNG, TOWN OF (PONTOTOC CO.)	AUGUST 30, 1974 AND DECEMBER 05, 1975
400270	CAMARGO, TOWN (DEWEY CO.)	SEPTEMBER 19, 1975
400273	CANEY, TOWN (ATOKA CO.)	APRIL 09, 1976
400355	CARMEN, TOWN (ALFALFA CO.)	SEPTEMBER 19, 1975

* UNINCORPORATED AREAS ONLY

OKLAHOMA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
400030	CARTER COUNTY	JULY 05, 1977
400276	CARTER, TOWN (BECKHAM CO.)	APRIL 02, 1976
400278	CASTLE, TOWN (OKFUSKEE CO.)	MAY 07, 1976
400187A	CHELSEA, CITY OF (ROGERS CO.)	DECEMBER 28, 1973 AND DECEMBER 12, 1975
400281	COLCORD, TOWN (DELAWARE CO.)	NOVEMBER 19, 1976
400253	COLONY, TOWN OF (WASHITA COUNTY)	AUGUST 13, 1976
400156	COMMERCE, CITY (OTTAWA CO)	JUNE 04, 1976
400225	CORN, TOWN (WASHITA CO)	JANUARY 10, 1975
400122	COUNCIL HILL, TOWN OF (MUSKOGEE CO.)	DECEMBER 13, 1974
400363A	COWLINGTON, TOWN (LE FLORE CO.)	MARCH 11, 1977
400097	COYLE, TOWN (LOGAN CO)	AUGUST 13, 1976
400282	CROMWELL, TOWN (SEMINOLE CO.)	AUGUST 13, 1976
400364	CYRIL, TOWN (CADDO CO.)	APRIL 02, 1976
400226A	DACOMA, TOWN OF (WOODS CO.)	NOVEMBER 08, 1974 AND DECEMBER 12, 1975
400367	DELAWARE, TOWN (NOWATA CO.)	APRIL 09, 1976
400369	DICKSON, TOWN (CARTER CO.)	JULY 30, 1976
400372	ELDORADO, CITY (JACKSON CO.)	JULY 02, 1976
400377	FAIRLAND, TOWN (OTTAWA CO.)	APRIL 09, 1976
400379	FOREST PARK, TOWN (OKLAHOMA CO.)	JUNE 25, 1976
400381	GEARY, CITY OF (BLAINE & CANADIAN COS.)	OCTOBER 29, 1976
400032	GENE AUTRY, TOWN OF (CARTER CO.)	NOVEMBER 08, 1974
400383A	GOODWELL, TOWN (TEXAS CO.)	MARCH 25, 1977
400013A	GREENFIELD, TOWN OF (BLAINE CO.)	AUGUST 30, 1974
400243A	GUYMON, CITY (TEXAS CO)	MAY 20, 1977
400386	HAMMON, TOWN (ROGER MILLS CO.)	AUGUST 13, 1976
400388	HELENA, TOWN (ALFALFA CO.)	APRIL 02, 1976
400467A	HUGHES COUNTY *	AUGUST 09, 1977
400024A	HYDRO, TOWN OF (CADDO CO.)	JULY 26, 1974 AND DECEMBER 05, 1975
400288	INDIANOLA, TOWN (PITTSBURG CO.)	APRIL 02, 1976
400007	JET, TOWN OF (ALFALFA CO.)	DECEMBER 06, 1974
400290	KANSAS, TOWN (DELAWARE CO.)	SEPTEMBER 26, 1975
400391	KEOTA, TOWN (HASKELL CO.)	OCTOBER 01, 1976
400392	KEYES, TOWN (CIMARRON CO.)	AUGUST 13, 1976
400394	KINGSTON, TOWN (MARSHALL CO.)	APRIL 02, 1976
400168	KIOWA, TOWN OF (PITTSBURG CO.)	JUNE 25, 1976
400169A	KREBS, CITY OF (PITTSBURG CO.)	DECEMBER 28, 1973 AND JANUARY 09, 1976
400294	LAHOMA, TOWN (GARFIELD CO.)	DECEMBER 03, 1976
400295	LAMONT, TOWN (GRANT CO.)	APRIL 09, 1976
400299	LEHIGH, CITY (COAL CO.)	OCTOBER 29, 1976
400301	LIMA, TOWN OF (SEMINOLE CO.)	DECEMBER 10, 1976
400096A	LOGAN COUNTY *	DECEMBER 27, 1974 AND AUGUST 02, 1977
400083	LOYAL, TOWN (KINGFISHER CO)	APRIL 25, 1975
400399	MANNFORD, TOWN (CREEK CO.)	NOVEMBER 12, 1976
400303	MANNSVILLE, TOWN (JOHNSTON CO.)	SEPTEMBER 26, 1975
400400	MARIETTA, CITY (LOVE CO.)	OCTOBER 29, 1976
400305	MARLAND, TOWN (NOBLE CO.)	AUGUST 13, 1976
400306	MARSHALL, TOWN (LOGAN CO.)	AUGUST 13, 1976
400401	MAUD, CITY (POTTAWATOMIE CO.)	APRIL 02, 1976
400308	MILBURN, TOWN (JOHNSTON CO.)	SEPTEMBER 26, 1975
400309	MILL CREEK, TOWN (JOHNSTON CO.)	AUGUST 13, 1976
400406A	MINCO, TOWN (GRADY CO.)	JANUARY 28, 1977
400408	MOUNDS, TOWN (CREEK CO.)	JUNE 25, 1976
400310	MULHALL, TOWN (LOGAN CO.)	MAY 28, 1976
400311	NASH, TOWN (GRANT CO.)	JULY 02, 1976
400312	NEW PRUE, TOWN (OSAGE CO.)	MAY 21, 1976
400424	NICOMA PARK, TOWN (OKLAHOMA CO.)	AUGUST 13, 1976
400426	NORTH MIAMI, TOWN (OTTAWA CO.)	APRIL 09, 1976
400313	OAKLAND, TOWN (MARSHALL CO.)	OCTOBER 29, 1976
400314	OAKS, TOWN (DELAWARE CO.)	AUGUST 29, 1975
400315	OCHELATA, TOWN (WASHINGTON CO.)	APRIL 09, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	OKLAHOMA —Continued	
400427	OILTON, CITY (CREEK CO.)	NOVEMBER 12, 1976
400189	OOLOGAH, TOWN OF (ROGERS CO.)	FEBRUARY 25, 1977
400316	ORLANDO, TOWN (LOGAN CO.)	AUGUST 13, 1976
400154A	OTTAWA COUNTY	MAY 20, 1977
400317	PAOLI, TOWN (GARVIN CO.)	NOVEMBER 05, 1976
400158	PEORIA, TOWN OF (OTTAWA CO.)	NOVEMBER 22, 1974
400431	PERKINS, TOWN (PAYNE CO.)	APRIL 09, 1976
400027A	PIEDMONT, TOWN (CANADIAN CO)	JULY 19, 1977
400433	POND CREEK, CITY (GRANT CO.)	NOVEMBER 12, 1976
400436	QUAPAW, TOWN (OTTAWA CO.)	AUGUST 13, 1976
400164A	RALSTON, TOWN (PAWNEE CO)	AUGUST 13, 1976
400320	RAVIA, TOWN (JOHNSTON CO.)	AUGUST 13, 1976
400322	REYDON, TOWN (ROGER MILLS CO.)	NOVEMBER 12, 1976
400324A	RIPLEY, TOWN (PAYNE CO.)	JUNE 21, 1977
400439	RYAN, CITY (JEFFERSON CO.)	NOVEMBER 05, 1976
400118	SALINA, TOWN (MAYES CO)	JULY 02, 1976
400442	SENTINEL, CITY (WASHITA CO.)	NOVEMBER 12, 1976
400231	SHARON, TOWN (WOODWARD CO)	AUGUST 13, 1976
400061A	SHATTUCK, TOWN OF (ELLIS CO.)	MAY 24, 1974 AND APRIL 30, 1976
400411	SOUTH COFFEYVILLE, TOWN (NOWATA CO.)	JUNE 25, 1976
400413	SPIRO, TOWN (LE FLORE CO.)	OCTOBER 01, 1976
400034	SPRINGER, TOWN OF (CARTER CO.)	DECEMBER 17, 1976
400418	TEMPLE, TOWN (COTTON CO.)	JULY 16, 1976
400333	TUPELO, CITY (COAL CO.)	SEPTEMBER 17, 1976
400443	TUTTLE, TOWN (GRADY CO.)	JUNE 25, 1976
400334A	UNION CITY, TOWN (CANADIAN CO.)	JANUARY 14, 1977
400447	VELMA, CITY OF (STEPHENS CO.)	FEBRUARY 11, 1977
400335	VERA, TOWN (WASHINGTON CO.)	JULY 16, 1976
400448	VICI, TOWN (DEWEY CO.)	NOVEMBER 05, 1976
400337	WAPANUCKA, TOWN (JOHNSTON CO.)	MAY 28, 1976
400105	WASHINGTON, TOWN (MCCLAIN CO)	JULY 09, 1976
400338A	WAUKOMIS, TOWN (GARFIELD CO.)	FEBRUARY 04, 1977
400451	WELCH, TOWN (CRAIG CO.)	JULY 16, 1976
400452	WELLSTON, TOWN (LINCOLN CO.)	APRIL 09, 1976
400339	WEST SILOAM SPRINGS, TOWN (DELAWARE CO.)	APRIL 09, 1976
400455	YALE, CITY (PAYNE CO.)	AUGUST 22, 1975
	TOTAL IN THE STATE 113	
	OREGON	
410261	CORNELIUS, CITY (WASHINGTON CO)	NOVEMBER 05, 1976
410263	DURHAM, CITY (WASHINGTON CO)	NOVEMBER 12, 1976
410159	GATES, CITY (MARION CO)	JULY 02, 1976
410070A	GILLIAM COUNTY	JUNE 07, 1977
410004A	HALFWAY, TOWN (BAKER CO)	SEPTEMBER 26, 1975 AND NOVEMBER 22, 1977
410037A	PRESCOTT, CITY (COLUMBIA CO)	JANUARY 10, 1975
410273	SHERWOOD, TOWN (WASHINGTON CO)	AUGUST 13, 1976
410166	ST. PAUL, CITY OF (MARION CO.)	NOVEMBER 22, 1974
410195	WASCO, CITY (SHERMAN CO)	OCTOBER 22, 1976
	TOTAL IN THE STATE 9	

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422508	ADDISON, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
421667	ALEPPO, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974
422529	ALLEGHENY, TOWNSHIP (VENANGO CO.)	JANUARY 17, 1975
422509	ALLEGHENY, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422341	ALLEGHENY, TOWNSHIP OF (BUTLER CO)	MARCH 28, 1975
421396	ARMENIA, TWP (BRADFORD CO)	JULY 15, 1977
422361	ASHLAND, TOWNSHIP (CLARION CO.)	JANUARY 10, 1975
421562A	ATHENS, TWP (CRAWFORD CO)	NOVEMBER 05, 1976
422297	ATWOOD, BOROUGH OF (ARMSTRONG CO.)	JANUARY 31, 1975
422435	BANKS, TOWNSHIP (INDIANA CO.)	JANUARY 17, 1975
422440	BARNETT, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
421683	BARREE, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
422472	BASTRESS, TOWNSHIP OF (LYCOMING COU)	FEBRUARY 07, 1975
421738	BEALE, TOWNSHIP (JUNIATA CO)	DECEMBER 06, 1974
422129A	BEALLSVILLE, BOROUGH OF (WASHINGTON CO.)	DECEMBER 13, 1974 AND JULY 16, 1976
422544	BEAR LAKE, BOROUGH OF (WARREN CO.)	DECEMBER 27, 1974
421547A	BEAVER, TOWNSHIP OF (COLUMBIA CO.)	NOVEMBER 01, 1974 AND JULY 09, 1976
422362	BEAVER, TOWNSHIP (CLARION CO.)	JANUARY 24, 1975
422032A	BEAVER, TOWNSHIP OF (SNYDER CO.)	NOVEMBER 01, 1974 AND JULY 30, 1976
422441	BEAVER, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
421659	BELFAST, TOWNSHIP OF (FULTON CO.)	DECEMBER 20, 1974
422185A	BELL, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 13, 1974 AND SEPTEMBER 24, 1976
422612	BENEZETTE, TOWNSHIP OF (ELK COU)	FEBRUARY 07, 1975
421749	BENTON, TWP (LACKAWANNA CO)	JANUARY 10, 1975
421052A	BETHEL, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974 AND MAY 28, 1976
421606	BETHEL, TWP (DELAWARE CO)	JANUARY 24, 1975
421973	BINGHAM, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
420432	BIRMINGHAM, BOROUGH OF (HUNTINGDON CO.)	DECEMBER 06, 1974
422141A	BLAINE, TOWNSHIP OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND AUGUST 06, 1976
421332	BLOOMFIELD, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421515	BOGGS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
421516	BRADFORD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 06, 1974
422241A	BRADY, TOWNSHIP OF (BUTLER CO.)	OCTOBER 25, 1974 AND SEPTEMBER 03, 1976
422511	BROTHERSVALLEY, TWP (SOMERSET CO.)	JANUARY 10, 1975
421660	BRUSH CREEK, TOWNSHIP OF (FULTON CO)	MARCH 28, 1975
421054A	BURLINGTON, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 13, 1974 AND MAY 07, 1976
422364	CALLENSBURG, BOROUGH OF (CLARION CO.)	JANUARY 31, 1975
422108	CANAL, TOWNSHIP OF (VENANGO CO.)	DECEMBER 06, 1974
420129	CENTERPORT, BOROUGH OF (BERKS CO.)	NOVEMBER 22, 1974
422251	CHAPMAN, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
422545	CHERRY GROVE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
421519	CHEST, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
422604	CHEST, TOWNSHIP (CAMBRIA CO)	JANUARY 10, 1975
421974A	CLARA, TOWNSHIP OF (POTTER CO.)	OCTOBER 18, 1974 AND MAY 14, 1976
422343	CLAY, TOWNSHIP (BUTLER CO.)	JANUARY 17, 1975
422077	CLIFFORD, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER 27, 1974
421751	CLIFTON, TWP (LACKAWANNA CO)	JANUARY 24, 1975
422197	CLINTON, TOWNSHIP OF (WYOMING CO)	NOVEMBER 29, 1974
421838	COGAN HOUSE, TOWNSHIP (LYCOMING CO)	APRIL 04, 1975
422470	COLD SPRING, TOWNSHIP (LEBANON CO.)	APRIL 04, 1975
421334	COLERAIN, TWP (BEDFORD CO)	JANUARY 03, 1975
422346	CONCORD, TOWNSHIP (BUTLER CO.)	JANUARY 17, 1975
421715	CONEMAUGH, TOWNSHIP OF (INDIANA CO.)	DECEMBER 06, 1974
422406	CONEWAGO, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER 27, 1974
422387	CONNEAUT, TOWNSHIP (CRAWFORD CO.)	JANUARY 10, 1975
421361	CONNEAUT, TOWNSHIP OF (ERIE CO.)	DECEMBER 13, 1974

PENNSYLVANIA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421549	CONYNGHAM, TWP (COLUMBIA CO)	JANUARY 03, 1975
422404A	COOKE, TOWNSHIP (CUMBERLAND CO.)	JANUARY 28, 1977
422186A	COOK, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND NOVEMBER 19, 1976
422455	COVINGTON, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
421319	DARLINGTON, BOROUGH (BEAVER CO)	JANUARY 24, 1975
422476A	DEER CREEK, TWP (MERCER CO.)	JANUARY 10, 1975 AND JULY 16, 1976
421176A	DEERFIELD, TOWNSHIP OF (TIOGA CO.)	AUGUST 30, 1974 AND MAY 21, 1976
4206908	DELAWARE WATER GAP, BOROUGH OF (MONROE CO.)	JUNE 21, 1974 AND MAY 28, 1976
421964	DINGMAN, TOWNSHIP OF (PIKE)	FEBRUARY 11, 1977 FEBRUARY 14, 1975
422187A	DONEGAL, TOWNSHIP OF (WESTMORELAND CO.)	JUNE 21, 1974 AND JULY 02, 1976
421681A	DUDLEY, BOROUGH OF (HUNTINGDON CO.)	NOVEMBER 08, 1974 AND NOVEMBER 14, 1975
422431	DUNKARD, TWP (GREENE CO.)	JANUARY 10, 1975
422527	EAGLES MERE, BOROUGH (SULLIVAN CO.)	JANUARY 24, 1975
422268	EAST CARROLL, TOWNSHIP OF (CAMBRIA)	FEBRUARY 14, 1975
422218	EAST HOPEWELL, TOWNSHIP OF (YORK CO.)	DECEMBER 27, 1974
420108A	EAST ROCHESTER, BOROUGH OF (BEAVER CO.)	FEBRUARY 01, 1974 AND APRIL 16, 1976
422360	EAST SIDE, BOROUGH OF (CARBON CO.)	JANUARY 31, 1975
422314	EASTVALE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421772A	EDEN, TOWNSHIP OF (LANCASTER CO.)	AUGUST 30, 1974 AND MAY 07, 1976
422546	ELDRED, TOWNSHIP (WARREN CO.)	JANUARY 17, 1975
422443	ELDRED, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
421752A	ELMHURST, TOWN OF (LACKAWANNA CO.)	OCTOBER 18, 1974 AND APRIL 30, 1976
422189A	FAIRFIELD, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 06, 1974 AND MAY 21, 1976
422049	FAIRHOPE, TOWNSHIP OF (SOMERSET CO.)	NOVEMBER 15, 1974
422315	FRANKFORT SPRINGS, BORO (BEAVER CO.)	JANUARY 17, 1975
422283	FRANKLIN, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422121	FREEHOLD, TWP (WARREN CO)	JANUARY 24, 1975
422432	FREEPORT, TWP (GREENE CO.)	JANUARY 03, 1975
422579A	FRIENDSVILLE, BORO (SUSQUEHANNA CO.)	JUNE 17, 1977
421537	GALLAGHER, TOWNSHIP OF (CLINTON CO)	FEBRUARY 21, 1975
422433A	GILMORE, TWP (GREENE CO.)	JANUARY 10, 1975 AND SEPTEMBER 03, 1976
422437	GLEN CAMPBELL, BORO (INDIANA CO.)	JANUARY 24, 1975
421717	GRANT, TOWNSHIP OF (INDIANA CO.)	JANUARY 31, 1975
421670A	GREENE, TWP (GREENE CO)	JANUARY 17, 1975 AND MAY 14, 1976
421365	GREENFIELD, TOWNSHIP OF (ERIE CO.)	DECEMBER 06, 1974
422456	GREENFIELD, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
422512	GREENVILLE, TOWNSHIP (SOMERSET CO.)	APRIL 04, 1975
422390	GREENWOOD, TOWNSHIP (CRAWFORD CO.)	JANUARY 17, 1975
421523	GREENWOOD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
421644	GREEN, TWP (FOREST CO)	JANUARY 24, 1975
421888	HAMILTON, TOWNSHIP OF (MONROE CO.)	NOVEMBER 22, 1974
421223A	HANOVER, TOWNSHIP OF (BEAVER CO.)	SEPTEMBER 06, 1974 AND OCTOBER 01, 1976
422528	HARTLETON, BOROUGH OF (UNION CO.)	DECEMBER 27, 1974
421399	HERRICK, TWP (BRADFORD CO)	APRIL 04, 1975
422319	HOOKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421690	HOPEWELL, CITY OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421581	HOPEWELL, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421610A	HORTON, TOWNSHIP OF (ELK CO.)	SEPTEMBER 13, 1974 AND AUGUST 06, 1976
421525	HUSTON, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
422534	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
420502A	JACKSONVILLE, BOROUGH OF (INDIANA CO.)	DECEMBER 13, 1974 AND MAY 21, 1976

PENNSYLVANIA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
421552	JACKSON, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER	13, 1974	
421593	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY	31, 1975	
422601	JACKSON, TOWNSHIP OF (LYCOMING CO)	MARCH	28, 1975	
421691	JACKSON, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	13, 1974	
421671A	JACKSON, TOWNSHIP OF (GREENE CO.)	DECEMBER	20, 1974	AND
		JUNE	04, 1976	
421889	JACKSON, TWP (MONROE CO)	JANUARY	03, 1975	
422457	JEFFERSON, TOWNSHIP (LACKAWANNA CO.)	JANUARY	03, 1975	
422383	JORDON, TOWNSHIP (CLEARFIELD CO)	JANUARY	17, 1975	
421981	KEATING, TOWNSHIP OF (POTTER CO.)	NOVEMBER	22, 1974	
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY	31, 1975	
421307	KITTANNING, TWP (ARMSTRONG CO)	DECEMBER	17, 1976	
421730	KNOX, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	20, 1974	
422483	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY	31, 1975	
422057	LAPORTE, BOROUGH OF (SULLIVAN CO.)	DECEMBER	20, 1974	
422515	LARIMER, TOWNSHIP (SOMERSET CO.)	JANUARY	10, 1975	
422085	LATHROP, TOWNSHIP OF (SUSQUEHANNA CO.)	NOVEMBER	29, 1974	
421454	LAUSANNE, TWP (CARBON CO)	JANUARY	03, 1975	
422334	LE RAYSVILLE, BORO (BRADFORD CO.)	JANUARY	24, 1975	
422567	LEBANON, TWP (WAYNE CO.)	JANUARY	03, 1975	
422200	LEMON, TOWNSHIP OF (WYOMING CO.)	NOVEMBER	29, 1974	
422425	LETTERKENNY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER	20, 1974	
422588	LIMESTONE, TOWNSHIP (LYCOMING CO)	JANUARY	24, 1975	
421693	LINCOLN, TWP (HUNTINGDON CO)	JANUARY	03, 1975	
421533	LOGANTON, BOROUGH OF (CLINTON CO.)	NOVEMBER	08, 1974	
420309	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY	14, 1975	
421755	MADISON, TWP (LACKAWANNA CO)	JANUARY	03, 1975	
421554	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY	28, 1975	
420219A	MARION TWP (BUTLER CO)	JUNE	02, 1974	AND
		JULY	02, 1976	
422606	MARKLEYSBURG, BOROUGH (FAYETTE CO)	OCTOBER	15, 1976	
421935	MCEWENSVILLE, BOROUGH OF (NORTHUMBERLAND CO.)	DECEMBER	27, 1974	
421881	MENNO, TOWNSHIP OF (MIFFLIN CO.)	NOVEMBER	22, 1974	
422352	MERCER, TOWNSHIP (BUTLER CO.)	JANUARY	10, 1975	
422518	MIDDLECREEK, TOWNSHIP (SOMERSET CO.)	JANUARY	03, 1975	
422519	MILFORD, TOWNSHIP (SOMERSET CO.)	JANUARY	03, 1975	
421871B	MILL CREEK, TOWNSHIP OF (MERCER CO.)	DECEMBER	20, 1974	AND
		JUNE	18, 1976	
		OCTOBER	01, 1976	
422371	MILLCREEK, TOWNSHIP (CLARION CO.)	OCTOBER	15, 1976	
422536	MINERAL, TOWNSHIP OF (VENANGO CO.)	JANUARY	31, 1975	
421673	MONONGAHELA, TWP (GREENE CO)	JULY	11, 1975	
421744	MONROE, TOWNSHIP (JUNIATA CO)	JANUARY	10, 1975	
422426	MONTGOMERY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER	13, 1974	
421719	MONTGOMERY, TWP (INDIANA CO)	JANUARY	03, 1975	
421696	MORRIS, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER	22, 1974	
421847A	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER	20, 1974	AND
		JULY	30, 1976	
422263	MUNSTER, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	22, 1974	
420889A	NEW ALEXANDRIA, BOROUGH OF (WESTMORELAND CO.)	JUNE	28, 1974	AND
		OCTOBER	17, 1975	
420799	NEW BALTIMORE, BOROUGH OF (SOMERSET CO.)	NOVEMBER	08, 1974	
422012	NEW CASTLE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER	27, 1974	
422484	NEW LEBANON, BORO (MERCER CO.)	JANUARY	24, 1975	
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY	31, 1975	
421756	NEWTON, TWP (LACKAWANNA CO)	OCTOBER	29, 1976	
422203	NORTH BRANCH, TOWNSHIP OF (WYOMING CO.)	NOVEMBER	29, 1974	
422204	NORTH MORELAND, TOWNSHIP OF (WYOMING CO.)	NOVEMBER	15, 1974	
421615A	OHIOPYLE, BOROUGH OF (FAYETTE CO.)	JANUARY	31, 1975	AND
		MARCH	19, 1976	
421732	OLIVER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	13, 1974	
421401	ORWELL, TWP (BRADFORD CO)	JANUARY	24, 1975	
422568	OVERFIELD, TOWNSHIP OF (WYOMING CO.)	DECEMBER	27, 1974	

PENNSYLVANIA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421402A	OVERTON, TOWNSHIP OF (BRADFORD CO.)	AUGUST 30, 1974 AND AUGUST 06, 1976
421968	PALMYRA, TOWNSHIP OF (PIKE CO.)	DECEMBER 13, 1974
421891	PARADISE, TWP (MONROE CO)	APRIL 11, 1975
421219A	PARKER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 20, 1974 AND JULY 16, 1976
422325	PATTERSON HEIGHTS, BORO (BEAVER CO.)	JANUARY 17, 1975
421457	PENN FOREST, TWP (CARBON CO)	AUGUST 12, 1977
421530	PENN, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
422038	PERRY, TWP (SNYDER CO)	JANUARY 03, 1975
421190A	PIKE, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 10, 1976
421403A	PIKE, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974 AND AUGUST 20, 1976
422445	PINECREEK, TOWNSHIP (JEFFERSON CO.)	JANUARY 24, 1975
422538	PINEGROVE, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421797A	PLAIN GROVE, TWP (LAWRENCE CO)	APRIL 15, 1977
421984	PLEASANT VALLEY, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
421313A	PLUM CREEK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 06, 1974 AND JUNE 18, 1976
421733	POLK, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 06, 1974
421985	PORTAGE, TOWNSHIP OF (POTTER CO.)	DECEMBER 13, 1974
422355	PORTERSVILLE, BORO (BUTLER CO.)	JANUARY 10, 1975
422446	PORTER, TOWNSHIP OF (JEFFERSON)	FEBRUARY 14, 1975
422500A	PORTER, TWP (PIKE CO.)	FEBRUARY 18, 1977
421655	QUINCY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 27, 1974
422375	RICHLAND, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975
421557A	ROARING CREEK, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER 13, 1974 AND SEPTEMBER 03, 1976
420826	ROSEVILLE, BOROUGH OF (TIOGA CO.)	DECEMBER 13, 1974
421734A	ROSE, TOWNSHIP OF (JEFFERSON CO.)	SEPTEMBER 20, 1974 AND JUNE 18, 1976
422192A	SALEM, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND JUNE 25, 1976
421874	SANDY LAKE, TOWNSHIP OF (MERCER CO.)	DECEMBER 13, 1974
422357	SAXONBURG, BOROUGH OF (BUTLER CO.)	DECEMBER 27, 1974
421757	SCOTT, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 27, 1974
420071B	SEWICKLEY HTS, BORO (ALLEGHENY CO)	MARCH 22, 1974 AND MAY 17, 1974 JUNE 04, 1976
421585A	SHIPPENSBURG, TWP (CUMBERLAND CO)	SEPTEMBER 06, 1974 AND JUNE 25, 1976
421104	SMITHFIELD, TOWNSHIP OF (BRADFORD CO.)	OCTOBER 29, 1976
421619	SOUTH CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	NOVEMBER 08, 1974
422439	SOUTH MAHONING, TWP (INDIANA CO.)	JANUARY 24, 1975
421350	SOUTH WOODBURY, TWP (BEDFORD CO)	MARCH 05, 1976 AND SEPTEMBER 02, 1977
421351	SOUTHAMPTON, TOWNSHIP OF (BEDFORD COU)	FEBRUARY 07, 1975
421677	SPRINGHILL, TWP (GREENE CO)	APRIL 11, 1975
421745	SPRUCE HILL, TOWNSHIP OF (JUNIATA CO.)	NOVEMBER 22, 1974
421407A	STEVENS, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974 AND JUNE 25, 1976
420152	STRAUSSTOWN, BORO (BERKS CO)	JANUARY 24, 1975
421328	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY 31, 1975
422489	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422549	SUGAR GROVE, TOWNSHIP (WARREN CO.)	JANUARY 24, 1975
421558	SUGARLOAF, TWP (COLUMBIA CO)	APRIL 04, 1975
422399	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 31, 1975
422056	SUMMIT, TWP (SOMERSET CO)	JANUARY 03, 1975
421469A	TAYLOR, TOWNSHIP OF (CENTRE CO.)	DECEMBER 20, 1974 AND MAY 28, 1976
420077	THORNBURG, BORO (ALLEGHENY CO)	NOVEMBER 12, 1976
422550	TRIUMPH, TWP (WARREN CO.)	JANUARY 17, 1975
420315	TROUTVILLE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 06, 1974
421115	TULPEHOCKEN, TOWNSHIP OF (BERKS CO.)	NOVEMBER 08, 1974

PENNSYLVANIA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
421898	TUNKHANNOCK, TOWNSHIP OF (MONROE CO.)	JANUARY 31, 1975	
422564	UNIONDALE, BORO (SUSQUEHANNA CO.)	JANUARY 24, 1975	
421704	UNION, TOWNSHIP (HUNTINGDON CO)	DECEMBER 06, 1974	
421352	UNION, TOWNSHIP OF (BEDFORD CO.)	JANUARY 03, 1975	
422449	UNION, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974	
421531A	UNION, TWP (CLEARFIELD CO)	JANUARY 17, 1975	AND
		OCTOBER 22, 1976	
421118A	UPPER BERN, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974	AND
		OCTOBER 01, 1976	
422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974	
421748	VANDLING, BOROUGH OF (LACKAWANNA)	FEBRUARY 14, 1975	
420316	WALLACETON, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 08, 1974	
422232	WARRINGTON, TOWNSHIP (YORK CO)	DECEMBER 27, 1974	
422468	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)	FEBRUARY 07, 1975	
422207	WASHINGTON, TOWNSHIP OF (WYOMING CO.)	DECEMBER 06, 1974	
422506	WASHINGTON, TOWNSHIP OF (SCHUYLKILL CO.)	OCTOBER 22, 1976	
422378	WASHINGTON, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975	
421722	WASHINGTON, TWP (INDIANA CO)	DECEMBER 22, 1974	
422027	WAYNE, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 29, 1974	
421679	WAYNE, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974	
421599	WAYNE, TWP (DAUPHIN CO)	JANUARY 17, 1975	
422526	WELLERSBURG, BOROUGH OF (SOMERSET CO.)	JANUARY 31, 1975	
420940A	WELLSVILLE, BORO (YORK CO)	APRIL 01, 1977	
421760A	WEST ABLINGTON, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 20, 1974	AND
		JUNE 18, 1976	
422507	WEST BEAVER, TWP (SNYDER CO.)	JANUARY 24, 1975	
422028	WEST BRUNSWICK, TWP (SCHUYLKILL CO)	JANUARY 10, 1975	
422106	WEST BUFFALO, TOWNSHIP OF (UNION CO.)	NOVEMBER 01, 1974	
422565	WEST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER 27, 1974	
421542	WEST KEATING, TOWNSHIP OF (CLINTON CO.)	DECEMBER 06, 1974	
421723	WEST MAHONING, TWP (INDIANA CO)	JANUARY 24, 1975	
422029	WEST PENN, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 15, 1974	
421123A	WEST ROCKHILL, TOWNSHIP OF (BUCKS CO.)	SEPTEMBER 13, 1974	
422402	WEST SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY 17, 1975	
421861	WETMORE, TWP (MCKEAN CO)	JULY 25, 1975	
421660A	WHITELEY, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974	AND
		APRIL 30, 1976	
421330B	WOODBURY, BOROUGH OF (BEDFORD CO.)	MARCH 25, 1977	
421355	WOODBURY, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975	
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	SEPTEMBER 13, 1974	
422492	WORTH, TWP (MERCER CO.)	JANUARY 24, 1975	
420946A	YORK HAVEN, BOROUGH OF (YORK CO.)	JANUARY 23, 1974	AND
		MARCH 19, 1976	

TOTAL IN THE STATE 252

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	SOUTH CAROLINA	
450201	ALLENDALE COUNTY *	NOVEMBER 29, 1974 AND DECEMBER 02, 1977
450203	BAMBERG COUNTY *	NOVEMBER 29, 1974 AND AUGUST 26, 1977
450204	BARNWELL COUNTY *	DECEMBER 20, 1974 AND SEPTEMBER 02, 1977
450029	BERKELEY COUNTY	SEPTEMBER 16, 1977
450116	BETHUNE, TOWN (KERSHAW CO)	JULY 18, 1975
450148A	BLENHEIM, TOWN (MARLBORO CO)	AUGUST 12, 1977
450032	CAMERON, TOWN (CALHOUN CO)	JANUARY 03, 1975
450124A	CROSS HILL, TOWN OF (LAURENS CO.)	SEPTEMBER 06, 1974 AND JUNE 18, 1976
450060	DARLINGTON COUNTY *	DECEMBER 27, 1974
450065A	DILLON, TOWN OF (DILLON CO.)	MAY 17, 1974 AND JUNE 18, 1976
450074A	EDGEFIELD, TOWN OF (EDGEFIELD CO.)	MAY 24, 1974 AND MARCH 05, 1976
450022A	EHRHARDT, TOWN OF (BAMBERG CO.)	JULY 19, 1974 AND JUNE 18, 1976
450010A	FAIRFAX, TOWN OF (ALLENDALE CO.)	MAY 31, 1974 AND APRIL 23, 1976
450132B	GILBERT, TOWN OF (LEXINGTON CO.)	OCTOBER 25, 1974
450210	GRAY COURT, TOWN OF (LAURENS CO.)	DECEMBER 13, 1974
450037A	HOLLYWOOD, TOWN OF (CHARLESTON CO.)	SEPTEMBER 06, 1974 AND APRIL 23, 1976
450220	JAMESTOWN, TOWN OF (BERKELEY COU)	FEBRUARY 07, 1975
450063	LAMAR, TOWN (DARLINGTON CO)	JULY 18, 1975
450128	LYNCHBURG, TOWN (LEE CO)	JULY 18, 1975
450225	MAYESVILLE, TOWN OF (SUMTER CO.)	MARCH 19, 1976
450080A	OLANTA, TOWN OF (FLORENCE CO.)	MAY 24, 1974
450081A	PAMPLICO, TOWN OF (FLORENCE CO.)	MAY 10, 1974
450135A	PELION, TOWN OF (LEXINGTON CO.)	AUGUST 09, 1974 AND JUNE 04, 1976
450018	PELZER, TOWN (ANDERSON CO)	JUNE 18, 1976
450218	REEVESVILLE, TOWN OF (DORCHESTER CO.)	DECEMBER 27, 1974
450165A	ROWESVILLE, TOWN OF (ORANGEBURG CO.)	SEPTEMBER 20, 1974
450212	SALEM, TOWN OF (OCONEE CO.)	NOVEMBER 08, 1974
450145A	SELLERS, TOWN OF (MARION CO.)	JUNE 07, 1974 AND JULY 23, 1976
450155	SILVERSTREET, TOWN (NEWBERRY CO)	JANUARY 24, 1975
450057A	SMOAKS, TOWN OF (COLLETON CO.)	SEPTEMBER 06, 1974 AND JUNE 18, 1976
450072	ST. GEORGE, TOWN OF (DORCHESTER CO.)	JULY 23, 1976
450011	SYCAMORE, TOWN OF (ALLENDALE CO.)	OCTOBER 25, 1974
	TOTAL IN THE STATE 32	
	SOUTH DAKOTA	
460152	ALCESTER, CITY (UNION CO)	JULY 11, 1975
460153	ALEXANDRIA, CITY (HANSON CO)	JUNE 27, 1975
460096	ALPENA, TOWN OF (JERAULD CO.)	SEPTEMBER 26, 1975
460234	ARMOUR, CITY (DOUGLAS CO)	AUGUST 06, 1976
460098	AURORA, TOWN (BROOKINGS CO)	JUNE 27, 1975
460154	AVON, CITY (BON HOMME CO)	OCTOBER 29, 1976
460058	BALTIC, TOWN OF (MINNEHAHA CO.)	DECEMBER 06, 1974
460155	BERESFORD, CITY (LINCOLN CO.)	JULY 18, 1975
460156	BIG STONE CITY (GRANT CO)	NOVEMBER 12, 1976
460099	BISON, TOWN (PERKINS CO)	NOVEMBER 05, 1976
460157	BOWDLE, CITY (EDMUNDS CO)	OCTOBER 29, 1976
460158	BRIDGEWATER, CITY (MCCOOK CO)	NOVEMBER 19, 1976
4c0255A	BUFFALO COUNTY *	APRIL 15, 1977
460247	BUFFALO GAP, TOWN (CUSTER CO)	NOVEMBER 05, 1976
460037	BUFFALO, TOWN (HARDING CO)	NOVEMBER 05, 1976

* UNINCORPORATED AREAS ONLY

SOUTH DAKOTA —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
460162	CANISTOTA, CITY (MCCOOK CO)	AUGUST 13, 1976
460102A	CANOVA, TOWN (MINER CO)	MAY 20, 1977
460163	CENTERVILLE, CITY (TURNER CO)	AUGUST 13, 1976
460013	CLARK, TOWN (CLARK CO)	MARCH 12, 1976
460166	COLTON, CITY (MINNEHAHA CO)	AUGUST 13, 1976
460008	COLUMBIA, CITY OF (BROWN CO.)	DECEMBER 06, 1974
460107	CRESBARD, TOWN (FAULK CO)	JULY 18, 1975
460020A	DAVISON COUNTY	MAY 20, 1977
460079	DOLAND, TOWN OF (SPINK COU)	FEBRUARY 07, 1975
460169	DUPREE, CITY OF (ZIEBACH CO.)	APRIL 25, 1975
460170A	EAGLE BUTTE, TOWN (DEWEY CO)	NOVEMBER 12, 1976 AND NOVEMBER 08, 1977
460026A	EDGEMONT, CITY OF (FALL RIVER CO.)	AUGUST 02, 1974 AND JANUARY 16, 1976
460173	EUREKA, CITY (MCPHERSON CO)	JULY 16, 1976
460112	GARY, CITY OF (DEUEL CO.)	JUNE 27, 1975
460270A	HANSON COUNTY *	AUGUST 16, 1977
460180	HARTFORD, CITY (MINNEHAHA CO)	JULY 16, 1976
460115	HAYTI, TOWN (HAMLIN CO)	JUNE 27, 1975
460230A	HERMOSA, TOWN (CUSTER CO)	JANUARY 21, 1977
460181	HERREID, CITY (CAMPBELL CO)	JULY 11, 1975
460118	HUMBOLDT, TOWN (MINNEHAHA CO)	SEPTEMBER 05, 1975
460119	HURLEY, CITY (TURNER CO)	JULY 16, 1976
460041A	HUTCHINSON COUNTY	JUNE 03, 1977 AND OCTOBER 18, 1977
460184	IPSWICH, CITY (EDMUNDS CO)	NOVEMBER 05, 1976 AND FEBRUARY 14, 1978
460120	IRENE, TOWN (YANKTON CO.)	JULY 11, 1975
460195	KADOKA, CITY (JACKSON CO)	JULY 16, 1976
460186	KIMBALL, CITY (BRULE CO)	AUGUST 08, 1975
460276A	LAKE COUNTY *	JUNE 07, 1977
460190	LEAD, CITY OF (LAWRENCE COU)	FEBRUARY 07, 1975
460192A	LENNOX, CITY (LINCOLN CO)	SEPTEMBER 26, 1975
460126	LETCHER, TOWN (SANBORN CO)	NOVEMBER 12, 1976
460197	MARION, CITY (TURNER CO)	JULY 02, 1976
460195	MCINTOSH, CITY (CORSON CO)	SEPTEMBER 19, 1975
460200	MILBANK, CITY (GRANT CO)	AUGUST 13, 1976
460208	MURDO, CITY (JONES CO)	SEPTEMBER 19, 1975
460209	NEWELL, CITY (BUTTE CO)	JULY 18, 1975
460245A	NISLAND, TOWN (BUTTE CO)	FEBRUARY 04, 1977
460128	OACOMA, TOWN (LYMAN CO)	JANUARY 07, 1977
460211	PARKER, CITY (TURNER CO)	JUNE 27, 1975
460297A	PRESHO, CITY OF (LYMAN CO.)	JULY 19, 1977
460133	PUKWANA, TOWN (BRULE CO)	SEPTEMBER 19, 1975
460134	RAMONA, TOWN (LAKE CO)	JULY 25, 1975
460136	ROSCOE, CITY (EDMUNDS CO)	NOVEMBER 12, 1976
460053	SALEM, CITY (MCCOOK CO)	AUGUST 13, 1976
460214	SELBY, CITY (WALWORTH CO)	JULY 25, 1975
460140	SPENCER, CITY (MCCOOK CO)	NOVEMBER 12, 1976
460138	ST. FRANCIS, TOWN (TODD CO)	SEPTEMBER 19, 1975
460139	ST. LAWRENCE, TOWN (HAND CO)	JULY 18, 1975
460142	TABOR, TOWN (BON HOMME CO)	JUNE 25, 1976
460143	TEA, TOWN (LINCOLN CO)	SEPTEMBER 19, 1975
460218	TIMBER LAKE, CITY (DEWEY CO)	NOVEMBER 12, 1976
460219	TRIPP, CITY (HUTCHINSON CO)	DECEMBER 03, 1976
460082	TURTON, TOWN OF (SPINK CO.)	DECEMBER 20, 1974
460146	VEBLEN, TOWN OF (MARSHALL CO.)	APRIL 25, 1975
460224	WAGNER, CITY (CHARLES MIX CO.)	AUGUST 13, 1976
460232	WAKONDA, TOWN (CLAY CO)	NOVEMBER 12, 1976
460250	WASTA, TOWN (PENNINGTON CO)	DECEMBER 24, 1976
460147	WESSINGTON, CITY (BEADLE CO.)	AUGUST 22, 1975
460014A	WILLOW LAKE, TOWN (CLARK CO)	MAY 20, 1977
460150	WOLSEY, TOWN (BEADLE CO)	AUGUST 13, 1976
460151	WORTHING, TOWN (LINCOLN CO)	AUGUST 22, 1975

TOTAL IN THE STATE 75

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	TENNESSEE	
470234	ADAIR, TOWN OF (MADISON COU)	FEBRUARY 07, 1975
470292	ADAMSVILLE, TOWN OF (MCNAIRY CO.)	MAY 28, 1976
470159	ADAMS, TOWN OF (ROBERTSON CO.)	NOVEMBER 15, 1974
470245A	ALAMO, TOWN (CROCKETT CO)	MARCH 11, 1977
470293	ARDMORE, TOWN OF (GILES CO.)	DECEMBER 17, 1976
470262	ARLINGTON, TOWN (SHELBY CO)	JULY 25, 1975
470294	BAILEYTOWN, TOWN OF (GREENE CO.)	SEPTEMBER 03, 1976
470220	BELLS, TOWN OF (CROCKETT CO.)	JANUARY 10, 1975
470218	BENTON COUNTY	JANUARY 10, 1975 AND AUGUST 19, 1977
470128A	BETHEL SPRINGS, TOWN OF (MCNAIRY CO.)	JUNE 28, 1974 AND APRIL 02, 1976
470295	BIG SANDY, TOWN OF (BENTON CO.)	SEPTEMBER 24, 1976
470356	BLOUNT COUNTY *	AUGUST 26, 1977
470296	BLUFF CITY, TOWN OF (SULLIVAN CO.)	JULY 02, 1976
470081	BOLIVAR, CITY (HARDEMAN CO)	NOVEMBER 12, 1976
470357	BRADLEY COUNTY *	JULY 08, 1977
470244	BRUCETON, TOWN (CARROLL CO)	JULY 02, 1976
470297	BULLS GAP, TOWN OF (HAWKINS CO.)	MAY 28, 1976
470024	CARTER COUNTY	JULY 15, 1977
470298	CARYVILLE, TOWN OF (CAMPBELL CO.)	SEPTEMBER 03, 1976
470120A	CHAPEL HILL, TOWN OF (MARSHALL CO.)	JUNE 14, 1974
470200	CLIFTON, CITY (WAYNE CO)	SEPTEMBER 17, 1976
470225	COALMONT, TOWN (GRUNDY CO.)	SEPTEMBER 24, 1976
470355	COFFEE COUNTY *	AUGUST 05, 1977
470324	COLLINWOOD, CITY OF (WAYNE CO.)	JUNE 04, 1976
470325	CORNERSVILLE, TOWN OF (MARSHALL CO.)	SEPTEMBER 17, 1976
470037	CUMBERLAND COUNTY	SEPTEMBER 02, 1977
470326	CUMBERLAND GAP, TOWN OF (CLAIBORNE CO.)	MAY 28, 1976
470299	DANDRIDGE, TOWN OF (JEFFERSON CO.)	JUNE 11, 1976
470041	DECATUR COUNTY	AUGUST 05, 1977
470300	DECATURVILLE, TOWN OF (DECATUR CO.)	SEPTEMBER 24, 1976
470046	DICKSON COUNTY *	DECEMBER 06, 1974 AND DECEMBER 16, 1977
470335	DICKSON, CITY OF (DICKSON CO.)	JULY 09, 1976
470240A	DRESDEN, TOWN (WEAKLEY CO)	DECEMBER 10, 1976
470166A	EAGLEVILLE, TOWN OF (RUTHERFORD CO.)	AUGUST 23, 1974 AND JULY 02, 1976
470064	ELKTON, CITY (GILES CO)	JUNE 04, 1976
470271A	ENGLEWOOD, CITY OF (MCMINN CO.)	MAY 17, 1974 AND JULY 02, 1976
470028	ENVILLE, TOWN (CHESTER CO)	OCTOBER 29, 1976
470094A	ERWIN, CITY OF (UNICOI CO.)	DECEMBER 17, 1976
470301	ETHRIDGE, CITY OF (LAWRENCE CO.)	JULY 02, 1976
470242	FAIRVIEW, CITY (WILLIAMSON CO)	APRIL 11, 1975
470129A	FINGER, TOWN OF (MCNAIRY CO.)	SEPTEMBER 06, 1974
470302	FRIENDSVILLE, CITY OF (BLOUNT CO.)	JUNE 11, 1976
470221	GADSDEN, TOWN OF (CROCKETT CO.)	JANUARY 24, 1975
470286	GIBSON, TOWN OF (GIBSON CO.)	JULY 18, 1975
470190A	GILT EDGE, CITY OF (TIPTON CO.)	SEPTEMBER 13, 1974 AND JULY 02, 1976
470303	GREENBACK, CITY OF (LOUDON CO.)	SEPTEMBER 24, 1976
470226	HANCOCK COUNTY	AUGUST 19, 1977
470088	HENDERSON COUNTY *	DECEMBER 20, 1974 AND DECEMBER 23, 1977
470259A	HENNING, TOWN (LAUDERDALE CO)	JANUARY 03, 1975
470304	HOHENWALD, CITY OF (LEWIS CO.)	SEPTEMBER 24, 1976
470305	HOLLOW ROCK, CITY OF (CARROLL CO.)	JUNE 25, 1976
470288	HORNSBY, TOWN OF (HARDEMAN CO.)	MARCH 05, 1976
470347	HOUSTON COUNTY *	AUGUST 19, 1977
470229	HUMPHREYS COUNTY	AUGUST 26, 1977
470055A	HUNTLAND, TOWN OF (FRANKLIN CO.)	JANUARY 28, 1977
470101A	IRON CITY, CITY OF (LAWRENCE CO.)	JUNE 14, 1974 AND JUNE 25, 1976

* UNINCORPORATED AREAS ONLY

TENNESSEE —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
470052	JAMESTOWN, CITY OF (FENTRESS CO)	MARCH 28, 1975
470097	JEFFERSON COUNTY	SEPTEMBER 02, 1977
470224	KENTON, TOWN OF (GIBSON CO.)	DECEMBER 27, 1974
470289	KINGSTON SPRINGS, CITY OF (CHEATHAM CO.)	JULY 18, 1975
470121A	LEWISBURG, CITY OF (MARSHALL CO.)	MARCH 01, 1974 AND AUGUST 06, 1976
470306	LORETTO, CITY OF (LAWRENCE CO.)	JULY 02, 1976
470209	LUTTRELL, CITY (UNION CO)	SEPTEMBER 03, 1976
470065A	LYNNVILLE, CITY OF (GILES CO.)	JUNE 14, 1974
470307	MADISONVILLE, TOWN OF (MONROE CO.)	DECEMBER 10, 1976
370389A	MAGGIE VALLEY, TOWN OF (HAYWOOD CO.)	JULY 08, 1977
470191	MASON, CITY (TIPTON CO)	OCTOBER 01, 1976
470308	MCEWEN, TOWN OF (HUMPHREYS CO.)	JULY 02, 1976
470126	MCMINN COUNTY	JULY 01, 1977
470336	MICHIE, CITY OF (MCNAIRY CO.)	OCTOBER 01, 1976
470130	MILLEDGEVILLE, TOWN (MCNAIRY CO)	JULY 02, 1976
470066	MINOR HILL, CITY (GILES CO)	JULY 02, 1976
470233	MONROE COUNTY	JULY 08, 1977
470309	MONTEAGLE, TOWN OF (GRUNDY & MARION COS.)	JULY 02, 1976
470139	MORGAN COUNTY	JANUARY 17, 1975
470310	MOSHEIM, TOWN OF (GREENE CO.)	SEPTEMBER 03, 1976
470312	NIOTA, CITY OF (MCMINN CO.)	MAY 28, 1976
470313	NORMANDY, TOWN OF (BEDFORD CO.)	JUNE 11, 1976
470314	ORME, TOWN OF (MARION CO.)	JULY 02, 1976
470315	PARROTTSVILLE, TOWN OF (COCKE CO.)	JULY 02, 1976
470316	PARSONS, TOWN OF (DECATUR CO.)	JUNE 11, 1976
470317	PARYEAR, TOWN OF (HENRY CO.)	JUNE 11, 1976
470291	PEGRAM, TOWN OF (CHEATHAM CO.)	JULY 18, 1975
475442A	PIGEON FORGE, CITY OF (SEVIER CO.)	AUGUST 31, 1972
470149	PUTNAM COUNTY *	SEPTEMBER 13, 1974 AND OCTOBER 21, 1977
470131	RAMER, TOWN OF (MCNAIRY CO.)	NOVEMBER 29, 1974
470151	RHEA COUNTY	JULY 22, 1977
470277A	RICHARD CITY, CITY OF (MARION CO.)	FEBRUARY 01, 1974 AND OCTOBER 15, 1976
470319A	RIDGESIDE, CITY OF (HAMILTON CO.)	FEBRUARY 25, 1977
470235	RIVES, CITY OF (OBION CO.) (OBION CO.)	JANUARY 03, 1975
470320	ROCKFORD, TOWN OF (BLOUNT CO.)	SEPTEMBER 24, 1976
470061A	RUTHERFORD, TOWN OF (GIBSON CO.)	JUNE 07, 1974 AND JUNE 25, 1976
470083A	SALTILLO, TOWN OF (HARDIN CO.)	JUNE 14, 1974 AND AUGUST 06, 1976
470321	SARDIS, TOWN OF (HENDERSON CO.)	SEPTEMBER 24, 1976
470322	SCOTTS HILL, TOWN OF (COFFEE CO.)	JULY 02, 1976
470239A	SPENCER, TOWN OF (VAN BUREN CO.)	MARCH 25, 1977
470328	STANTONVILLE, TOWN OF (MCNAIRY CO.)	JUNE 11, 1976
470180	STEWART COUNTY *	SEPTEMBER 13, 1974 AND FEBRUARY 24, 1978
470327	ST. JOSEPH, CITY OF (LAWRENCE CO.)	JUNE 25, 1976
470280A	TELLICO PLAINS, CITY OF (MONROE CO.)	MARCH 08, 1974 AND AUGUST 13, 1976
470337	TENNESSEE RIDGE, CITY OF (HOUSTON CO.)	JUNE 25, 1976
470281	TOWNSEND, CITY OF (BLOUNT CO.)	JUNE 18, 1976
470282A	TRACY CITY, CITY OF (GRUNDY CO.)	MAY 10, 1974 AND JULY 02, 1976
470243A	TREZEVANT, TOWN (CARROLL CO)	FEBRUARY 25, 1977
470329	TUSCULUM, CITY OF (GREENE CO.)	JULY 02, 1976
470238	UNICOI COUNTY	SEPTEMBER 16, 1977
470330	VENORE, TOWN OF (MONROE CO.)	DECEMBER 10, 1976
470009B	WARTRACE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974 AND APRIL 23, 1976
470265	WASHINGTON COUNTY *	MARCH 25, 1977
470331	WATAUGA, CITY OF	MAY 28, 1976
470118A	WHITWELL, CITY OF (MARION CO.)	FEBRUARY 15, 1974 AND AUGUST 13, 1976
470254	YORKVILLE, CITY (GIBSON CO)	JUNE 27, 1975

TOTAL IN THE STATE 112

* UNINCORPORATED AREAS ONLY

20000

COMMUNITY NUMBER	TEXAS NAME	HAZARD AREA IDENTIFIED
481089	ADDISON, TOWN (COLLIN AND DALLAS COS)	OCTOBER 29, 1976
480960	ADRIAN, CITY (OLDHAM CO)	JULY 25, 1975
480894	AMHERST, CITY (LAMB CO)	JULY 11, 1975
480006	ANDREWS, CITY (ANDREWS CO)	AUGUST 27, 1976
480007A	ANGELINA COUNTY *	DECEMBER 27, 1974 AND JUNE 28, 1977
480982	ANNONA, TOWN (RED RIVER CO)	JUNE 11, 1976
481085	APPLEBY, CITY (NACOGDOCHES CO)	AUGUST 06, 1976
480775	ARGYLE, CITY (DENTON CO)	AUGUST 29, 1975
480790	ASHERTON, CITY (DIMMIT CO)	JULY 02, 1976
481093	ASPERMONT, TOWN (STONEWALL CO)	AUGUST 13, 1976
480776	AUBREY, TOWN (DENTON CO)	JUNE 04, 1976
480983	AVERY, CITY OF (RED RIVER)	AUGUST 13, 1976
480731	AVINGER, TOWN (CASS CO)	AUGUST 06, 1976
480065A	BAILEYS PRAIRIE, TOWN OF (BRAZORIA CO.)	NOVEMBER 08, 1974
480808	BAILEY, TOWN (FANNIN CO)	NOVEMBER 05, 1976
480722	BAIRD, TOWN (CALLAHAN CO)	JUNE 11, 1976
480718	BANGS, TOWN (BROWN CO)	AUGUST 06, 1976
481087	BARDWELL, CITY (ELLIS CO)	JULY 30, 1976
480951	BARRY, CITY (NAVARRO CO)	JULY 30, 1976
480642	BARSTOW, TOWN (WARD CO.)	JUNE 25, 1976
481193A	BASTROP COUNTY	AUGUST 09, 1977
480121A	BEACH CITY, CITY (CHAMBERS CO)	MAY 20, 1977
480830	BELLS, TOWN (GRAYSON CO)	OCTOBER 29, 1976
481095	BELVILLE, CITY (AUSTIN CO)	NOVEMBER 19, 1976
480888	BENJAMIN, CITY (KNOX CO)	JUNE 27, 1975
481088	BLACKWELL, TOWN (COKE AND NOLAN COS)	AUGUST 15, 1975
480732	BLOOMBURG, TOWN (CASS CO)	NOVEMBER 05, 1976
480892	BLOSSOM, TOWN (LAMAR CO)	AUGUST 13, 1976
480350	BLUM, CITY OF (HILL CO.)	NOVEMBER 01, 1974
480984	BOGATA, TOWN (RED RIVER CO)	AUGUST 06, 1976
481096	BREMOND, CITY (ROBERTSON CO)	NOVEMBER 19, 1976
480398A	BRIAR OAKS, CITY OF (JOHNSON CO.)	MARCH 29, 1974 AND JUNE 18, 1976
480588	BRIAR, CITY OF (PARKER, TARRANT & WISE COS.)	JULY 23, 1976
481097	BROOKSHIRE, TOWN (WALLER CO)	AUGUST 06, 1976
480325	BROWNSBORO, CITY (HENDERSON CO)	DECEMBER 10, 1976
480877	BRYSON, CITY (JACK CO)	JULY 11, 1975
481138	BUFFALO GAP, TOWN (TAYLOR CO)	NOVEMBER 19, 1976
480904	BUFFALO, CITY (LEON CO)	AUGUST 20, 1976
481169A	BURLESON COUNTY *	JUNE 17, 1977
480649	BURTON, CITY OF (WASHINGTON CO.)	DECEMBER 20, 1974
480490A	CACTUS, CITY OF (MOORE CO.)	JUNE 14, 1974 AND MARCH 26, 1976
480364A	CADDO MILLS, CITY OF (HUNT CO.)	JUNE 28, 1974 AND MARCH 12, 1976
480989	CALVERT, CITY (ROBERTSON CO)	AUGUST 13, 1976
481068	CAMBELLTON, TOWN (ATASCOSA CO)	JUNE 25, 1976
480979	CAMP WOOD, CITY (REAL CO)	JULY 02, 1976
480730	CASS COUNTY	JULY 05, 1977
480737A	CASTRO COUNTY	JUNE 03, 1977
480365A	CELESTE, CITY OF (HUNT CO.)	JUNE 21, 1974 AND MAY 28, 1976
480905	CENTERVILLE, CITY (LEON CO)	AUGUST 13, 1976
480701	CHARLOTTE, CITY (ATASCOSA CO)	AUGUST 06, 1976
481140	CHESTER, TOWN (TYLER CO)	AUGUST 13, 1976
481053	CHICO, CITY (WISE CO)	AUGUST 13, 1976
481202	CHILLICOTHE, CITY OF (HARDEMAN CO.)	JULY 18, 1975
480702	CHRISTINE, CITY (ATASCOSA CO)	JULY 11, 1975
480535A	CLARKSVILLE, CITY OF (GREGG CO.)	NOVEMBER 07, 1975
481098	CLAUDE, CITY (ARMSTRONG CO)	AUGUST 13, 1976
481099	COAHOMA, TOWN OF (HOWARD CO.)	JUNE 04, 1976
480169A	COCKRELL HILL, CITY OF (DALLAS CO.)	DECEMBER 07, 1973 AND JUNE 11, 1976
480144A	COLORADO COUNTY *	OCTOBER 25, 1974 AND APRIL 08, 1977

* UNINCORPORATED AREAS ONLY

TEXAS —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480104A	COMBES, TOWN OF (CAMERON CO.)	MAY 10, 1974 AND MAY 21, 1976
480408	COMBINE, CITY OF (DALLAS CO.)	JULY 02, 1976
480870	COMO, TOWN (HOPKINS CO)	AUGUST 06, 1976
480911	COOLIDGE, TOWN (LIMESTONE CO)	JUNE 11, 1976
480409A	CRANDALL, CITY OF (KAUFMAN CO.)	MARCH 08, 1974 AND MAY 21, 1976
480723	CROSS PLAINS, TOWN (CALLAHAN CO)	AUGUST 06, 1976
480871	CUMBY, CITY (HOPKINS CO)	AUGUST 06, 1976
481279A	CUT AND SHOOT, CITY OF (MONTGOMERY CO.)	JUNE 03, 1977
481101	DAISETTA, TOWN (LIBERTY CO)	JULY 02, 1976
480985	DETROIT, TOWN (RED RIVER CO)	DECEMBER 24, 1976
481171A	DEWITT COUNTY	AUGUST 16, 1977
480787	DICKENS, CITY (DICKENS CO)	AUGUST 06, 1976
480733	DOUGLASVILLE, TOWN (CASS CO)	AUGUST 13, 1976
480088A	EARLY, CITY OF (BROWN CO.)	MAY 17, 1974 AND JANUARY 30, 1976
480895	EARTH, CITY (LAMB CO)	MAY 02, 1975
480976	EAST TAWAKONI, TOWN (RAINS CO)	NOVEMBER 05, 1976
481145	EASTON, VILLAGE (GREGG AND RUSK COS)	JULY 18, 1975
480809	ECTOR, TOWN (FANNIN CO)	JULY 11, 1975
480763	EDEN, VILLAGE (CONCHO CO)	MAY 02, 1975
480635A	EDGEWOOD, CITY OF (VAN ZANDT CO.)	JUNE 14, 1974 AND APRIL 02, 1976
481146	EDOM, CITY (VAN ZANDT CO)	AUGUST 13, 1976
481000	ELDORADO, TOWN (SCHLEICHER CO)	AUGUST 13, 1976
480659	ELECTRA, CITY OF (WICHITA CO.)	DECEMBER 03, 1976
480798A	ELLIS COUNTY	AUGUST 16, 1977
480710	ELMENDORF, CITY (BEXAR CO.)	JUNE 11, 1976
480977	EMORY, TOWN (RAINS CO)	AUGUST 08, 1975
480277	ESTELLINE, CITY OF (HALL CO.)	NOVEMBER 08, 1974
480327	EUSTACE, CITY (HENDERSON CO)	JUNE 11, 1976
480823	FAIRFIELD, TOWN (FREESTONE CO)	AUGUST 13, 1976
480544	FATE, CITY (ROCKWALL CO)	NOVEMBER 05, 1976
481147	FAYETTEVILLE, TOWN (FAYETTE CO)	AUGUST 06, 1976
481102	FLATONIA, TOWN (FAYETTE CO)	JULY 30, 1976
480817A	FLOYD COUNTY	MAY 17, 1977
480226A	FLOYDADA, CITY OF (FLOYD CO.)	MAY 31, 1974 AND JANUARY 09, 1976
480228A	FORT BEND COUNTY *	JULY 09, 1976 AND DECEMBER 20, 1977
480990	FRANKLIN, TOWN (ROBERTSON CO)	JULY 16, 1976
480523A	FRIONA, CITY OF (PARMER CO.)	APRIL 12, 1974
480875	FRITCH, CITY OF (HUTCHINSON & MOORE COS.)	JULY 16, 1976
481041	FRUITVALE, CITY (VAN ZANDT CO)	JULY 16, 1976
480949	GARRISON, TOWN (NACOGDOCHES CO)	JULY 16, 1976
481148	GARY, TOWN (PANOLA CO)	NOVEMBER 19, 1976
480435A	GIDDINGS, CITY (LEE CO.)	JUNE 28, 1974 AND JANUARY 16, 1976
480574A	GLEN ROSE, CITY (SOMERVELL CO)	AUGUST 23, 1974 AND FEBRUARY 06, 1976
481265	GLENN HEIGHTS, CITY OF (DALLAS & ELLIS COS.)	NOVEMBER 19, 1976
480880	GODLEY, TOWN (JOHNSON CO)	AUGUST 22, 1975
480828	GOLIAD, CITY (GOLIAD CO)	JULY 16, 1976
481070	GOODRICH, CITY (POLK CO)	NOVEMBER 19, 1976
480963	GORDON, TOWN (PALO PINTO CO)	OCTOBER 22, 1976
480964	GRAFORD, TOWN (PALO PINTO CO.)	JULY 11, 1975
480357	GRANBURY, CITY (HOOD CO)	JULY 09, 1976
481046	GRANGER, CITY OF (WILLIAMSON COU)	FEBRUARY 07, 1975
480873	GRAPELAND, TOWN (HOUSTON CO)	NOVEMBER 19, 1976
481173A	GRIMES COUNTY	JUNE 17, 1977
480726	GROOM, TOWN (CARSON CO)	DECEMBER 03, 1976
481032	GROVETON, CITY (TRINITY CO)	NOVEMBER 05, 1976
481104	GRUVER, CITY (HANSFORD CO)	NOVEMBER 05, 1976
480328	GUN BARREL CITY, CITY OF (HENDERSON CO.)	NOVEMBER 08, 1974
480832	GUNTER, TOWN (GRAYSON CO)	JULY 11, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	TEXAS —Continued		
480848	HALLSVILLE, CITY (HARRISON CO)	APRIL 30, 1976	
481011	HAPPY, CITY OF (RANDALL & SWISHER)	FEBRUARY 14, 1975	
480847A	HARRISON COUNTY	SEPTEMBER 06, 1977	
480738	HART, CITY (CASTRO CO)	JUNE 27, 1975	
480600	HASLET, CITY OF (TARRANT CO.)	NOVEMBER 01, 1974	
480885	HAWLEY, TOWN (JONES CO)	NOVEMBER 19, 1976	
481045	HEMPSTEAD, TOWN (WALLER CO)	JULY 30, 1976	
481150	HICKORY CREEK, TOWN (DENTON CO)	JULY 30, 1976	
480843	HICO, TOWN (HAMILTON CO)	AUGUST 22, 1975	
481105	HIGHLAND VILLAGE, CITY OF (DENTON CO.)	SEPTEMBER 19, 1975	
481106A	HILL COUNTRY VILLAGE, TOWN OF (BEXAR CO.)	AUGUST 23, 1977	
480857A	HILL COUNTY	AUGUST 09, 1977	
480699	HOLLIDAY, CITY (ARCHER CO)	APRIL 18, 1975	
481277A	HOMER, TOWN OF (ANGELINA CO.)	JUNE 03, 1977	
480833	HOWE, TOWN (GRAYSON CO)	OCTOBER 29, 1976	
480859	HUBBARD, CITY (HILL CO)	OCTOBER 29, 1976	
480734	HUGHES SPRINGS, TOWN (CASS CO)	AUGUST 27, 1976	
481077	HUNTINGTON, CITY (ANGELINA CO)	JULY 30, 1976	
480373A	HUTCHINSON COUNTY *	FEBRUARY 07, 1975 AND JANUARY 10, 1978	
480916	IDALOU, TOWN (LUBBOCK CO)	NOVEMBER 12, 1976	
481294A	IMPACT, TOWN OF (TAYLOR CO.)	JUNE 10, 1977	
481071	IOWA COLONY, TOWN (BRAZORIA CO)	JULY 02, 1976	
480973	IRAAN, TOWN (PECOS CO)	JULY 30, 1976	
481072	IREDELL, TOWN OF (BOSQUE CO.)	NOVEMBER 01, 1974	
481080A	JASPER COUNTY	MAY 17, 1977	
480906	JEWETT, TOWN (LEON CO)	DECEMBER 24, 1976	
480879A	JOHNSON COUNTY	MAY 17, 1977	
480756	JOSEPHINE, TOWN (COLLIN CO)	MAY 28, 1976	
480882	JOSHUA, CITY (JOHNSON CO)	JUNE 27, 1975	
480703	JOURDANTON, CITY (ATASCOSA CO)	AUGUST 13, 1976	
480778A	JUSTIN, TOWN (DENTON CO)	JUNE 03, 1977	
481175A	KARNES COUNTY	JUNE 07, 1977	
481107	KEENE, CITY OF (JOHNSON CO.)	JUNE 04, 1976	
480412	KEMP, CITY OF (KAUFMAN CO.)	APRIL 23, 1976	
480674A	KERMIT, CITY OF (WINKLER CO.)	MAY 24, 1974 AND JULY 23, 1976	
480890A	KNOX CITY, CITY (KNOX CO.)	AUGUST 15, 1975 AND JULY 23, 1976	
481151	KOSSE, TOWN (LIMESTONE CO)	JUNE 11, 1976	
480845	KOUNTZE, CITY (HARDIN CO.)	JUNE 25, 1976	
481012	KRESS, CITY OF (SWISHER CO)	FEBRUARY 21, 1975	
480475A	LACOSTE, CITY OF (MEDINA CO.)	JANUARY 09, 1974 AND FEBRUARY 27, 1976	
480605	LAKE WORTH, CITY (TARRANT CO)	NOVEMBER 19, 1976	
480278	LAKEVIEW, TOWN OF (HALL CO.)	DECEMBER 06, 1974	
481178	LAVACA COUNTY *	AUGUST 23, 1977	
481015	LAWN, TOWN (TAYLOR CO)	JUNE 25, 1976	
480980A	LEAKEY, CITY (REAL CO)	MAY 13, 1977	
481142	LEARY, CITY (BOWIE CO)	NOVEMBER 26, 1976	
480907	LEONA, TOWN (LEON CO)	NOVEMBER 19, 1976	
480735	LINDEN, TOWN (CASS CO)	JULY 30, 1976	
481075	LIPAN, VILLAGE (HOOD CO)	OCTOBER 29, 1976	
481152	LITTLE ELM, TOWN (DENTON CO)	AUGUST 13, 1976	
480075	LIVERPOOL, CITY (BRAZORIA CO)	NOVEMBER 26, 1976	
480818	LOCKNEY, TOWN (FLOYD CO)	JULY 02, 1976	
480944	LONE STAR, TOWN (MORRIS CO)	AUGUST 06, 1976	
481109	LORAINE, TOWN OF (MITCHELL CO.)	JUNE 27, 1975	
480928A	LORENA, TOWN (MCLENNAN CO)	JUNE 21, 1977	
480806	LOTT, CITY (FALLS CO)	JULY 09, 1976	
480874	LOVELADY, CITY (HOUSTON CO)	OCTOBER 29, 1976	
480886	LUEDERS, CITY (JONES CO)	AUGUST 13, 1976	
481111A	LUMBERTON, TOWN OF (HARDIN CO.)	NOVEMBER 22, 1976	
481261A	MAGNOLIA, TOWN OF (MONTGOMERY CO.)	MAY 17, 1977	

* UNINCORPORATED AREAS ONLY

TEXAS —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480861	MALONE, TOWN (HILL CO)	JULY 09, 1976
480736	MARIETTA, TOWN (CASS CO)	JUNE 25, 1976
480929	MART, CITY (MCLENNAN CO)	AUGUST 13, 1976
480946	MATADOR, TOWN (MOTLEY CO)	NOVEMBER 05, 1976
480208	MAYPEARL, CITY OF (ELLIS CO.)	NOVEMBER 29, 1974
480546	MCLENDON-CHISHOLM, CITY (ROCKWALL CO.)	SEPTEMBER 26, 1975
481020	MEADOW, TOWN (TERRY CO)	AUGUST 22, 1975
480700	MEGARGEL, TOWN (ARCHER CO.)	AUGUST 22, 1975
480924	MELVIN, TOWN (MCCULLOCH CO)	OCTOBER 29, 1976
481016	MERKEL, CITY (TAYLOR CO)	MAY 02, 1975
480862	MERTENS, TOWN (HILL CO)	NOVEMBER 05, 1976
480376A	MERTZON, CITY OF (IRION CO.)	JULY 26, 1974 AND FEBRUARY 27, 1976
480801	MIDLOTHIAN, CITY (ELLIS CO)	JULY 09, 1976
480992	MILES, CITY (RUNNELS CO)	AUGUST 13, 1976
480679A	MINEOLA, CITY OF (WOOD CO.)	MAY 03, 1974 AND JUNE 04, 1976
480518	MINGUS, CITY (PALO PINTO CO)	MAY 02, 1975
480937	MITCHELL COUNTY	APRIL 12, 1974
480644	MONAHANS, CITY (WARD CO)	JUNE 11, 1976
481483	MONTGOMERY, CITY OF (MONTGOMERY CO.)	NOVEMBER 26, 1976
480930	MOODY, TOWN (MCLENNAN CO)	JULY 09, 1976
481123	MORGAN, VILLAGE (BOSQUE CO)	NOVEMBER 12, 1976
480943A	MORRIS COUNTY	AUGUST 09, 1977
480433A	MOULTON, TOWN OF (LAVACA CO.)	APRIL 05, 1974 AND MARCH 05, 1976
480863	MOUNT CALM, CITY (HILL CO)	NOVEMBER 05, 1976
480122	MT BELVIEU, CITY (CHAMBERS CO)	DECEMBER 24, 1976
480767	MUENSTER, CITY (COOKE CO)	JULY 25, 1975
481125	MULLIN, TOWN (MILLS CO)	JUNE 11, 1976
480330	MURCHISON, CITY (HENDERSON CO)	JUNE 11, 1976
480920	NEW HOME, TOWN (LYNN CO)	SEPTEMBER 05, 1975
481113	NEW LONDON, CITY OF (RUSK CO.0)	NOVEMBER 05, 1976
481153	NEW SUMMERFIELD, CITY (CHEROKEE CO)	NOVEMBER 19, 1976
481043	NEW WAVERLY, TOWN (WALKER CO)	JUNE 25, 1976
481058	NEWCASTLE, CITY (YOUNG CO)	DECEMBER 17, 1976
480500A	NEWTON, CITY OF (NEWTON CO.)	JUNE 07, 1974 AND JUNE 04, 1976
481297A	NOME, CITY OF (JEFFERSON CO.)	JULY 12, 1977
481154	NORDHEIM, CITY (DE WITT CO)	JUNE 04, 1976
481083A	NORTH CLEVELAND, CITY (LIBERTY CO)	MAY 06, 1977
481115	NORTHCREST, TOWN (MCLENNAN CO)	OCTOBER 29, 1976
480752	NOVICE, CITY (COLEMAN CO)	JULY 02, 1976
480437A	OAKWOOD, TOWN OF (LEON CO.)	MAY 24, 1974 AND FEBRUARY 06, 1976
480206A	ODESSA, CITY OF (ECTOR CO.)	JUNE 28, 1974
480769	OGLESBY, CITY (CORYELL CO)	NOVEMBER 12, 1976
480896	OLTON, CITY (LAMB CO)	OCTOBER 01, 1976
480495	OMAHA, CITY OF (MORRIS CO.)	FEBRUARY 06, 1976
480974	ONALOSKA, TOWN (POLK CO)	NOVEMBER 26, 1976
480994	OVERTON, CITY OF (RUSH AND SMITH COS.)	AUGUST 13, 1976
481082	OZONA, CITY OF (CROCKETT CO.)	DECEMBER 07, 1973
480852	O'BRIEN, CITY (HASKELL CO)	JULY 25, 1975
480921	O'DONNELL, CITY OF (LYNN & DAWSON COS.)	AUGUST 27, 1976
480764	PAINT ROCK, TOWN (CONCHO CO)	AUGUST 13, 1976
480209	PALMER, CITY (ELLIS CO)	AUGUST 13, 1976
480727A	PANHANDLE, CITY OF (CARSON CO.)	JUNE 25, 1976 AND MAY 24, 1977
480486	PATTON VILLAGE (MONTGOMERY CO)	AUGUST 13, 1976
480773	PECAN GAP, CITY (DELTA CO)	AUGUST 20, 1976
480864	PENELOPE, TOWN (HILL CO)	APRIL 23, 1976
480745	PETROLIA, TOWN (CLAY CO)	NOVEMBER 05, 1976
480998	PINELAND, TOWN (SABINE CO)	OCTOBER 22, 1976
480116A	PITTSBURG, CITY OF (CAMP CO.)	JANUARY 23, 1974 AND MAY 28, 1976

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	TEXAS —Continued	
480661	PLEASANT VALLEY, CTY (WICHITA CO)	DECEMBER 17, 1976
481156	POINT, CITY (RAINS CO)	NOVEMBER 05, 1976
481198	PRIMERA, TOWN (CAMERON CO)	AUGUST 13, 1976
480141A	PROSPER, TOWN OF (COLLIN CO.)	JUNE 21, 1974 AND JANUARY 30, 1976
480724	PUTNAM, TOWN (CALLAHAN CO)	AUGUST 13, 1976
480645A	PYOTE, CITY OF (WARD CO.)	AUGUST 16, 1974
481117	QUEEN CITY, TOWN (CASS CO)	APRIL 23, 1976
480715	QUITAQUE, CITY (BRISCOE CO)	OCTOBER 22, 1976
480205A	RANGER, CITY OF (EASTLAND CO.)	MAY 17, 1974 AND APRIL 23, 1976
480628A	RANKIN, CITY OF (UPTON CO.)	MAY 10, 1974 AND MARCH 12, 1976
481254	RENO, CITY OF (LAMAR CO.)	AUGUST 13, 1976
480969	RENO, TOWN (PARKER CO)	NOVEMBER 05, 1976
481158	RETREAT, TOWN (NAVARRO CO)	JULY 11, 1975
480957	RICE, CITY (NAVARRO CO)	SEPTEMBER 26, 1975
480562A	RICHLAND SPRINGS, CITY OF (SAN SABA CO.)	NOVEMBER 08, 1974 AND MARCH 05, 1976
480958	RICHLAND, TOWN (NAVARRO CO)	JULY 25, 1975
481044	RIVERSIDE, TOWN (WALKER CO)	NOVEMBER 19, 1976
480785	ROANOKE, CITY (DENTON CO)	SEPTEMBER 05, 1975
480749	ROBERT LEE, CITY (COKE CO)	JUNE 27, 1975
480988A	ROBERTSON COUNTY	JUNE 03, 1977
480460	ROBINSON, CITY (MCLENNAN CO)	DECEMBER 10, 1976
480225A	ROBY, CITY OF (FISHER CO.)	MAY 17, 1974
481118	ROCKSPRINGS, TOWN (EDWARDS CO)	JULY 23, 1976
480543	ROCKWALL COUNTY	MAY 31, 1977
480577	ROMA-LOS SAENZ, CITY (STARR CO)	JUNE 04, 1976
480501	ROSCOE, CITY (NOLAN CO)	JULY 16, 1976
481061A	ROSE CITY, CITY (ORANGE CO)	JULY 12, 1977
481119	ROSEBUD, CITY OF (FALLS CO.)	OCTOBER 29, 1976
480816	ROUND TOP, TOWN (FAYETTE CO)	OCTOBER 29, 1976
481120	RUNGE, TOWN (KARNES CO)	APRIL 25, 1975
481039	SABINAL, CITY (UVALDE CO)	SEPTEMBER 26, 1975
481160	SADLER, TOWN (GRAYSON CO)	JULY 02, 1976
480667A	SAN PERLITA, CITY OF (WILLACY CO.)	OCTOBER 25, 1974 AND JUNE 18, 1976
481285	SANCTUARY, TOWN OF (PARKER CO.)	JUNE 10, 1977
480876	SANFORD, TOWN (HUTCHINSON CO)	AUGUST 13, 1976
480611	SANSOM PRK VIL, CITY (TARRANT CO)	DECEMBER 10, 1976
480751	SANTA ANNA, TOWN (COLEMAN CO)	JUNE 27, 1975
480114A	SANTA ROSA, CITY OF (CAMERON CO.)	MAY 17, 1974 AND APRIL 02, 1976
481134	SCHULENBURG, CITY (FAYETTE CO)	JUNE 25, 1976
481280A	SCOTLAND, CITY OF (ARCHER AND CLAY COS.)	JUNE 14, 1977
481161	SCOTTSVILLE, TOWN (HARRISON CO)	DECEMBER 10, 1976
480564A	SCURRY COUNTY	MAY 10, 1977
480332	SEVEN POINTS, CITY (HENDERSON CO)	NOVEMBER 05, 1976
481135A	SHADY SHORES, CITY (DENTON CO)	MARCH 18, 1977
480656	SHAMROCK, CITY (WHEELER CO)	OCTOBER 22, 1976
481136	SHINER, TOWN (LAVACA CO)	JUNE 11, 1976
480867	SMYER, TOWN (HOCKLEY CO)	AUGUST 13, 1976
480090	SNOOK, CITY (BURLESON CO)	NOVEMBER 05, 1976
481264A	SOMERSET, CITY OF (BEXAR CO.)	AUGUST 09, 1977
481163	SOUTHMAYD, TOWN (GRAYSON CO)	SEPTEMBER 12, 1975
480488A	SPLENDORA, CITY OF (MONTGOMERY CO.)	AUGUST 30, 1974 AND MARCH 05, 1976
480897	SPRINGLAKE, TOWN (LAMB CO)	OCTOBER 22, 1976
480788	SPUR, CITY (DICKENS CO)	NOVEMBER 12, 1976
480965	STRAWN, CITY (PALO PINTO CO)	JULY 16, 1976
480825A	STREETMAN, TOWN (FREESTONE CO)	MAY 06, 1977
481024	TALCO, CITY (TITUS CO)	OCTOBER 22, 1976
480753	TALPA, TOWN (COLEMAN CO)	JULY 23, 1976
480995	TATUM, CITY (RUSK CO)	JULY 11, 1975
481006	TENEHA, TOWN (SHELBY CO)	JULY 30, 1976

TEXAS —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
481019A	TERRY COUNTY	JUNE 14, 1977
480934	THORNDALE, TOWN (MILAM CO)	AUGUST 13, 1976
480646	THORNTONVILLE, CITY (WARD CO)	AUGUST 13, 1976
480914	THORNTON, TOWN (LIMESTONE CO.)	NOVEMBER 05, 1976
481007	TIMPSON, CITY (SHELBY CO)	NOVEMBER 05, 1976
481023A	TITUS COUNTY	JUNE 03, 1977
480868	TOLAR, TOWN (HOOD CO)	JULY 18, 1975
480315	TOMBALL, CITY (HARRIS CO)	JANUARY 24, 1975
480814	TRENTON, TOWN (FANNIN CO)	AUGUST 15, 1975
481130	TRENT, TOWN (TAYLOR CO)	JULY 23, 1976
481033	TRINITY, CITY (TRINITY CO)	AUGUST 13, 1976
481017	TUSCOLA, TOWN (TAYLOR CO)	AUGUST 29, 1975
481018	TYE, CITY (TAYLOR CO)	JULY 11, 1975
481036A	UPSHUR COUNTY	MAY 31, 1977
481042A	WALKER COUNTY	JULY 19, 1977
480713	WALNUT SPRINGS, CITY (BOSQUE CO)	OCTOBER 01, 1976
480840	WARREN CITY, CITY OF (GREGG AND UPHSUR COS.)	AUGUST 13, 1976
481188A	WASHINGTON COUNTY	MAY 24, 1977
480850	WASKOM, CITY (HARRISON CO)	OCTOBER 29, 1976
481121A	WEIMAR, CITY (COLORADO CO)	APRIL 29, 1977
480855	WEINERT, CITY (HASKELL CO)	NOVEMBER 12, 1976
480741	WELLS, TOWN (CHEROKEE CO)	JULY 11, 1975
480938	WESTBROOK, CITY (MITCHELL CO)	NOVEMBER 12, 1976
480614	WESTLAKE, CITY (TARRANT CO)	DECEMBER 10, 1976
480758	WESTMINSTER, TOWN (COLLIN CO)	NOVEMBER 05, 1976
480652	WHARTON COUNTY *	AUGUST 02, 1974
480729	WHITE DEER, TOWN (CARSON CO)	JULY 02, 1976
480841	WHITE OAK, TOWN (GREGG CO)	AUGUST 22, 1975
480839	WHITEWRIGHT, TOWN (GRAYSON CO)	NOVEMBER 05, 1976
480942	WILLIS, CITY (MONTGOMERY CO)	JULY 02, 1976
480922	WILSON, TOWN (LYNN CO)	JULY 16, 1976
481025	WINFIELD, TOWN (TITUS CO)	NOVEMBER 12, 1976
480675A	WINK, CITY OF (WINKLER CO.)	JUNE 28, 1974 AND AUGUST 13, 1976
480573A	WINONA, CITY OF (SMITH CO.)	NOVEMBER 01, 1974 AND JANUARY 23, 1976
481051A	WISE COUNTY	JUNE 07, 1977
481055A	WOOD COUNTY	MAY 31, 1977
481166	WOODLAND HILLS, CITY (DALLAS CO)	OCTOBER 22, 1976
480987	WOODSBORO, TOWN (REFUGIO CO)	JULY 02, 1976
481022	WOODSON, CITY (THROCKMORTON CO)	OCTOBER 22, 1976
481035	WOODVILLE, TOWN (TYLER CO)	JULY 02, 1976
480826	WORTHAM, TOWN (FREESTONE CO)	OCTOBER 29, 1976
481167	YANTIS, TOWN (WOOD CO)	JULY 09, 1976
480434A	YOAKUM, CITY OF (LAVACA CO.)	MAY 10, 1974 AND OCTOBER 15, 1976
480687	ZAPATO COUNTY *	AUGUST 02, 1974 AND FEBRUARY 21, 1978

TOTAL IN THE STATE 338

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	UTAH	
490066	ANTIMONY, TOWN (GARFIELD CO)	APRIL 02, 1976
490194	BEAR RIVER, CITY (BOX ELDER CO)	SEPTEMBER 05, 1975
490002	BEAVER, CITY OF (BEAVER CO.)	JUNE 11, 1974
490196A	CLEVELAND, TOWN (EMERY CO)	JULY 12, 1977
490015	CORNISH, TOWN (CACHE CO)	APRIL 02, 1976
490236A	DEWEYVILLE, (BOX ELDER CO.)	APRIL 29, 1977
490007	ELWOOD, TOWN (BOX ELDER CO)	JANUARY 24, 1975
490169A	ENTERPRISE, CITY OF (WASHINGTON CO.)	AUGUST 16, 1974
490198	FIELDING, TOWN (BOX ELDER CO)	AUGUST 08, 1975
490114	FOUNTAIN GREEN, TOWN (SANPETE CO)	APRIL 02, 1976
490199	FRANCIS, TOWN (SUMMIT CO)	JULY 25, 1975
490154	GENOLA, TOWN OF (UTAH COU)	FEBRUARY 07, 1975
490155A	GOSHEN, TOWN OF (UTAH COU)	FEBRUARY 07, 1975 AND APRIL 15, 1977
490171	HILLDALE, TOWN (WASHINGTON CO)	JUNE 04, 1976
490188A	HUNTSVILLE, TOWN OF (WEBER CO.)	JUNE 21, 1974
490085	KANAB, CITY (KANE CO)	OCTOBER 29, 1976
490097A	KINGSTON, TOWN (PIUTE CO)	FEBRUARY 04, 1977
490128	KOOSHAREM, TOWN (SEVIER CO)	DECEMBER 24, 1976
490099	LAKETOWN, TOWN (RICH CO)	NOVEMBER 12, 1976
490175	LEEDS, TOWN (WASHINGTON CO)	APRIL 02, 1976
490080A	LEVAN, TOWN (JUAB CO)	JUNE 21, 1977
490210A	LINDON, CITY (UTAH CO)	JUNE 21, 1977
490185	LOA, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974
490117	MAYFIELD, TOWN (SANPETE CO)	MAY 28, 1976
490089	MEADOW, TOWN (MILLARD CO)	JULY 02, 1976
490021	MILLVILLE, TOWN (CACHE CO)	OCTOBER 22, 1976
490081A	MONA, TOWN (JUAB CO)	JUNE 21, 1977
490212	MONTICELLO, CITY (SAN JUAN CO)	DECEMBER 24, 1976
490056	MYTON, TOWN (DUCHESNE CO)	APRIL 02, 1976
490025	PARADISE, TOWN (CACHE CO)	NOVEMBER 05, 1976
490203	PLYMOUTH, TOWN (BOX ELDER CO)	AUGUST 22, 1975
490100A	RANDOLPH, TOWN OF (RICH CO.)	AUGUST 16, 1974
490091A	SCIPIO, TOWN (MILLARD CO)	JULY 12, 1977
490179A	SPRINGDALE, TOWN (WASHINGTON CO)	MAY 10, 1977
490180	TOQUERVILLE, TOWN (WASHINGTON CO)	JUNE 25, 1976
490186	TORREY, TOWN (WAYNE CO)	NOVEMBER 12, 1976
490220	TREMONTON, CITY (BOX ELDER CO)	APRIL 23, 1976
490030	TRENTON, TOWN (CACHE CO)	JUNE 27, 1975
490146	VERNON, TOWN (TOOELE CO)	JUNE 04, 1976
490168	WALLSBURG, TOWN (WASATCH CO)	JULY 02, 1976
	TOTAL IN THE STATE 40	
	VERMONT	
500279	ATHENS, TOWN OF (WINDHAM CO.)	DECEMBER 06, 1974
500227	BELVIDERE, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500236A	BROOKFIELD, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974 AND OCTOBER 15, 1976
500245A	BROWNINGTON, TOWN OF (ORLEANS CO.)	DECEMBER 13, 1974 AND NOVEMBER 05, 1976
500107A	CABOT, VILLAGE OF (WASHINGTON CO.)	SEPTEMBER 06, 1974
500083A	CHARLESTON, TOWN OF (ORLEANS CO.)	AUGUST 09, 1974 AND NOVEMBER 19, 1976
500185	DANVILLE, TOWN (CALENDONIA CO)	JANUARY 17, 1975
500249	DERBY CENTER, VILLAGE OF (ORLEANS CO)	MARCH 28, 1975
500229	EDEN, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500318	ELMORE, TOWN (LAMOILLE CO)	APRIL 11, 1975
500051	ENOSBURG, TOWN OF (FRANKLIN CO.)	AUGUST 09, 1974
500035A	ESSEX JCT., VILLAGE OF (CHITTANDEN CO.)	JUNE 28, 1974 AND JULY 30, 1976
500210	FERDINAND, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500251A	GLOVER, TOWN OF (ORLEANS CO.)	DECEMBER 20, 1974 AND JULY 12, 1977

VERMONT —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500211	GRANBY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500003	GRANVILLE, TOWN OF (ADDISON CO.)	JANUARY 24, 1975
500187B	HARDWICK, VILLAGE OF (CALEDONIA CO.)	DECEMBER 20, 1974 AND DECEMBER 24, 1976 JULY 26, 1977
500149	HARTLAND, TOWN (WINDSOR CO)	DECEMBER 24, 1976
500313A	HUBBARDTON, TOWN OF (RUTLAND CO.)	DECEMBER 13, 1974 AND SEPTEMBER 10, 1976
500252A	IRASBURG, TOWN OF (ORLEANS CO.)	DECEMBER 20, 1974 AND OCTOBER 22, 1976
500253A	JAY, TOWN OF (ORLEANS CO.)	SEPTEMBER 13, 1974 AND NOVEMBER 05, 1976
500188	KIRBY, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974
500048A	LUNENBURG, TOWN OF (ESSEX CO.)	JUNE 28, 1974 AND FEBRUARY 18, 1977
500213	MAIDSTONE, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500113A	MARSHFIELD, VILLAGE (WASHINGTON CO.)	SEPTEMBER 20, 1974 AND SEPTEMBER 13, 1977
500167	MONKTON, TOWN (ADDISON CO)	JANUARY 24, 1975
500255	MORGAN, TOWN OF (ORLEANS CO.)	JANUARY 31, 1975
500262	MT. TABOR, TOWN (RUTLAND CO)	JANUARY 10, 1975
500285	N WESTMINSTER, VILL (WINDHAM CO)	JANUARY 10, 1975
500190A	NEWARK, TOWN (CALEDONIA CO.)	JANUARY 10, 1975 AND APRIL 22, 1977
500238	NEWBURY, VILLAGE (ORANGE CO)	NOVEMBER 26, 1976
500284	NEWFANE, VILLAGE (WINDHAM CO)	JANUARY 03, 1975
500256B	NEWPORT, TOWN OF (ORLEANS CO.)	NOVEMBER 01, 1974 AND DECEMBER 17, 1976 SEPTEMBER 06, 1977
500180	NORTH BENNINGTON, VILLAGE OF (BENNINGTON CO)	FEBRUARY 21, 1975
500214	NORTON, TOWN OF (ESSEX CO)	MARCH 28, 1975
500088	ORLEANS, VILLAGE OF (ORLEANS CO.)	AUGUST 09, 1974
500181A	PERU, TOWN (BENNINGTON CO)	JANUARY 10, 1975 AND OCTOBER 25, 1977
500183A	SANDGATE, TOWN OF (BENNINGTON CO.)	JANUARY 31, 1975 AND NOVEMBER 29, 1977
500244	SEARSBURG, TOWN OF (BENNINGTON CO.)	NOVEMBER 15, 1974
500030A	SHARON, TOWN (WINDSOR CO)	FEBRUARY 04, 1977
500287	SOMERSET, TOWN OF (WINDHAM CO.)	NOVEMBER 22, 1974
500321	STRATTON, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975
500269	SUDBURY, TOWN (RUTLAND CO)	JANUARY 24, 1975
500198A	SUTTON, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974 AND SEPTEMBER 24, 1976
500270	TINMOUTH, TOWN OF (RUTLAND CO.)	DECEMBER 06, 1974
500288	TOWNSEND, VILLAGE OF (WINDHAM CO.)	NOVEMBER 29, 1974
500242	VERSHIRE, TOWN OF (ORANGE CO.)	JANUARY 17, 1975
500215	VICTORY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500121A	WARREN, TOWN OF (WASHINGTON CO.)	JUNE 28, 1974 AND OCTOBER 29, 1976
500077A	WASHINGTON, TOWN OF (ORANGE CO)	JUNE 28, 1974 AND FEBRUARY 20, 1976
500233A	WATERVILLE, TOWN OF (LAMOILLE CO.)	DECEMBER 20, 1974 AND SEPTEMBER 17, 1976
500078	WELLS RIVER, VILLAGE OF (ORANGE CO.)	AUGUST 09, 1974
500272	WEST HAVEN, TOWN (RUTLAND CO)	JANUARY 03, 1975
500257A	WESTFIELD, TOWN OF (ORLEANS CO.)	SEPTEMBER 06, 1974 AND DECEMBER 24, 1976
500203	WESTFORD, TOWN (CHITTENDEN CO)	JANUARY 03, 1975
500140	WESTMINSTER, VILLAGE OF (WINDHAM CO.)	DECEMBER 20, 1974
500311A	WESTMORE, TOWN (ORLEANS CO)	JANUARY 03, 1975 AND OCTOBER 01, 1976
500204	WHEELOCK, TOWN OF (CALEDONIA CO.)	NOVEMBER 15, 1974
500290A	WINDHAM, TOWN (WINDHAM CO)	SEPTEMBER 06, 1977

TOTAL IN THE STATE 59

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VIRGINIA	
510260A	ALBERTA, TOWN OF (BRUNSWICK CO.)	FEBRUARY 25, 1977
510242A	BELLE HAVEN, TOWN OF (ACCOMACK CO.)	NOVEMBER 01, 1974 AND SEPTEMBER 10, 1976
510256	BLOXOM, TOWN OF (ACCOMACK CO.)	FEBRUARY 11, 1977
510269	BOYDTON, TOWN OF (MECKLENBURG CO.)	FEBRUARY 11, 1977
510318A	CHARLOTTE COURT HOUSE, TOWN OF (CHARLOTTE CO.)	FEBRUARY 04, 1977
510002A	CHINCOTEAGUE, TOWN OF (ACCOMACK CO.)	MAY 31, 1974
510045A	CLINTWOOD, TOWN (DICKENSON CO.)	MARCH 04, 1977
510264	CREWE, TOWN OF (NOTTOWAY CO.)	FEBRUARY 11, 1977
510047	EMPORIA, CITY OF (INDEP. CITY)	JULY 23, 1976
510271A	FLOYD, TOWN OF (FLOYD CO.)	MARCH 25, 1977
510066A	GALAX, CITY OF (INDEP. CITY)	AUGUST 02, 1974 AND MARCH 19, 1976
510268A	GORDONVILLE, TOWN OF (ROGERS CO.)	FEBRUARY 25, 1977
510218A	HALLWOOD, TOWN OF (ACCOMACK CO.)	AUGUST 09, 1974 AND MAY 28, 1976
510121A	HAYMARKET, TOWN OF (PRINCE WILLIAM CO.)	AUGUST 09, 1974
510316A	HILLSBORO, TOWN (LOUDON CO)	APRIL 04, 1975 AND SEPTEMBER 17, 1976
510277A	KELLER, TOWN OF (ACCOMACK CO.)	APRIL 01, 1977
510270A	KEYSVILLE, TOWN OF (CHARLOTTE CO.)	FEBRUARY 18, 1977
510259A	LOVETTSVILLE, TOWN OF (LOUDON CO.)	APRIL 15, 1977
510309	LUNENBURG COUNTY *	JULY 25, 1975
510258A	NEWSOMS, TOWN OF (SOUTHAMPTON CO.)	FEBRUARY 04, 1977
510326	NICKELSVILLE, TOWN OF (SCOTT CO.)	JULY 02, 1976
510285A	PAINTER, TOWN OF (ACCOMACK CO.)	FEBRUARY 04, 1977
510332A	PORT ROYAL, TOWN OF (CAROLINE CO.)	JULY 22, 1977
510279A	ROUNDHILL, TOWN (LOUDOUN CO)	MAY 13, 1977
510322	ROYKINS, TOWN OF (SOUTHAMPTON CO.)	MAY 31, 1974
510153A	SOUTH BOSTON, CITY OF (INDEP. CITY)	DECEMBER 07, 1973 AND MAY 14, 1976
510278A	VICTORIA, TWON OF (LUNENBURG CO.)	FEBRUARY 04, 1977
510288A	WASHINGTON, TWON OF (RAPPAHANNOCK CO.)	FEBRUARY 04, 1977
510295A	WINDSOR, TOWN OF (ISLE OF WIGHT CO.)	APRIL 15, 1977
	TOTAL IN THE STATE 29	
	WASHINGTON	
530007A	ASOTIN COUNTY	SEPTEMBER 13, 1977
530274	BONNEY LAKE, TOWN (PIERCE CO)	OCTOBER 29, 1976
530280A	CONNELL, TOWN (FRANKLIN CO)	JULY 11, 1975 AND NOVEMBER 12, 1976
530108A	CRESTON, TOWN OF (LINCOLN CO.)	DECEMBER 20, 1974 AND APRIL 02, 1976
530283	EATONVILLE, TOWN (PIERCE CO)	OCTOBER 22, 1976
530246	ELMER CITY, TOWN (OKANOGAN CO)	AUGUST 22, 1975
530295	FARMINGTON, TOWN OF (WHITMAN CO.)	NOVEMBER 19, 1976
530150A	FRIDAY HARBOR, TOWN OF (SAN JUAN CO.)	NOVEMBER 29, 1974
530110	HARRINGTON, TOWN OF (LINCOLN CO.)	DECEMBER 13, 1974
530289	KALAMA, TOWN (COWLITZ CO)	JULY 11, 1975
530248	LA CENTER, TOWN (CLARK CO)	NOVEMBER 12, 1976
530178	LATAH, TOWN OF (SPOKANE CO.)	DECEMBER 06, 1974
530250	MALDEN, TOWN (WHITMAN CO)	JULY 18, 1975
530252	MESA, TOWN (FRANKLIN CO)	NOVEMBER 19, 1976
530294	MILTON, TOWN (KNG-PIRCE-SNOH.-CO)	DECEMBER 03, 1976
530256	N BONNEVILLE, TOWN (SKAMANIA CO)	NOVEMBER 19, 1976
530257	NORTHPORT, TOWN (STEVENS CO)	JULY 09, 1976
530259A	PRESCOTT, TOWN (WALLA WALLA CO)	JULY 18, 1975 AND MARCH 04, 1977
530112	REARDAN, TOWN (LINCOLN CO)	JANUARY 10, 1975
530042A	REPUBLIC, TOWN OF (FERRY CO.)	JUNE 07, 1974 AND JANUARY 16, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	WASHINGTON —Continued			
530039	ROCK ISLAND, TOWN (DOUGLAS CO)	JANUARY	24, 1975	
530262A	ROY, TOWN (PIERCE CO)	JULY	18, 1975	AND
		JUNE	21, 1977	
530300	RUSHTON, TOWN (PIERCE CO)	DECEMBER	03, 1976	
530149A	SAN JUAN COUNTY	JUNE	07, 1977	
530145	SOUTH PRAIRIE, TOWN (PIERCE CO)	NOVEMBER	19, 1976	
530264	SPRINGDALE, TOWN (STEVENS CO)	MAY	02, 1975	
530031	STARBUCK, CITY (COLUMBIA CO)	JANUARY	03, 1975	
530265	TIEOTON, TOWN (YAKIMA CO)	JULY	11, 1975	
530266A	VADER, TOWN (LEWIS CO)	SEPTEMBER	05, 1975	
530308	WOODWAY, TOWN (SNOHOMISH CO)	SEPTEMBER	19, 1975	
530269	YACOLT, TOWN (CLARK CO)	JULY	02, 1976	
530310	YELM, TOWN (THURSTON CO)	OCTOBER	22, 1976	
	TOTAL IN THE STATE 32			
	WEST VIRGINIA			
540051	HARDY COUNTY *	APRIL	25, 1975	
540173	RHODELL, TOWN (RALEIGH CO)	MAY	21, 1976	
	TOTAL IN THE STATE 2			
	WISCONSIN			
550526	BEAR CREEK, VILLAGE OF (OUTAGAMIE CO.)	NOVEMBER	22, 1974	
550068A	BELL CENTER, VILLAGE OF (CRAWFORD CO.)	JANUARY	09, 1974	
550493A	BIG FALLS, VILLAGE OF (WAUPACA CO.)	AUGUST	30, 1974	
550147A	BLUE RIVER, VILLAGE (GRANT CO)	JANUARY	28, 1977	
550148A	BOSCOBEL, CITY OF (GRANT CO.)	DECEMBER	17, 1973	
550161A	BROWNTOWN, VILLAGE OF (GREEN CO.)	JANUARY	09, 1974	AND
		JUNE	04, 1976	
550018A	CABLE, VILLAGE OF (BAYFIELD CO.)	AUGUST	30, 1974	AND
		NOVEMBER	21, 1975	
550011A	CAMERON, VILLAGE OF (BARRON CO.)	DECEMBER	28, 1973	AND
		MAY	28, 1976	
550358A	CAZENOVIA, VILLAGE OF (RICHLAND CO.)	AUGUST	23, 1974	AND
		OCTOBER	24, 1975	
550371A	CONRATH, VILLAGE OF (RUSK CO.)	AUGUST	30, 1974	AND
		MARCH	19, 1976	
550069A	DESOTO, VILLAGE (CRAWFORD CO)	JANUARY	09, 1974	AND
		MAY	14, 1976	
550461A	EAGLE RIVER, CITY OF (VILAS CO.)	DECEMBER	28, 1973	
550417A	ELAND, VILLAGE OF (SHAWANO CO.)	AUGUST	23, 1974	AND
		MARCH	19, 1976	
550249A	ELDERON, VILLAGE OF (MARATHON CO.)	JULY	19, 1974	AND
		JULY	30, 1976	
550129A	FAIRCHILD, VILLAGE OF (EAU CLAIRE CO.)	MAY	31, 1974	AND
		JUNE	04, 1976	
550250A	FENWOOD, VILLAGE OF (MARATHON CO.)	AUGUST	02, 1974	AND
		MAY	14, 1976	
550110A	FORESTVILLE, VILLAGE OF (DOOR CO.)	NOVEMBER	30, 1973	
550367	FORTVILLE, VILLAGE OF (ROCK CO.)	MAY	31, 1974	
550238A	FRANCIS CREEK, VILLAGE OF (MANITOWOC CO.)	MAY	17, 1974	
550372	GLEN FLORA, VILLAGE OF (RUSK CO.)	NOVEMBER	08, 1974	
550050A	GRANTON, VILLAGE OF (CLARK CO.)	AUGUST	30, 1974	
550202A	HUSTLER, VILLAGE OF (JUNEAU CO.)	AUGUST	23, 1974	AND
		MAY	14, 1976	
550374A	INGRAM, VILLAGE OF (RUSK CO.)	SEPTEMBER	06, 1974	
550100	IRON RIDGE, VILLAGE (DODGE CO)	JULY	23, 1976	
550393A	IRONTON, VILLAGE OF (SAUK CO.)	AUGUST	16, 1974	

* UNINCORPORATED AREAS ONLY

WISCONSIN —Continued

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
550396A	LIME RIDGE, VILLAGE OF (SAUK CO.)	AUGUST 23, 1974 AND
		APRIL 23, 1976
550102A	LOWELL, VILLAGE OF (DODGE CO.)	MAY 17, 1974
550434A	LUBLIN, VILLAGE OF (TAYLOR CO.)	SEPTEMBER 20, 1974
550170A	MARQUETTE, CITY OF (GREEN LAKE CO.)	DECEMBER 18, 1973
550419A	MATTOON, VILLAGE OF (SHAWANO CO.)	AUGUST 30, 1974
550288A	MELVINA, VILLAGE OF (MONROE CO.)	AUGUST 30, 1974 AND
		MAY 28, 1976
550152A	MOUNT HOPE, VILLAGE OF (GRANT CO.)	AUGUST 30, 1974 AND
		MAY 14, 1976
550598A	NASON, VILLAGE OF (BAYFIELD CO.)	AUGUST 26, 1977
550205A	NECEDAH, VILLAGE OF (JUNEAU CO.)	JANUARY 09, 1974 AND
		MAY 28, 1976
550046A	NEW AUBURN, CITY OF (CHIPPEWA CO.)	JULY 19, 1974 AND
		AUGUST 13, 1976
550350A	NORTH BAY, VILLAGE OF (RACINE CO.)	SEPTEMBER 06, 1974 AND
		SEPTEMBER 10, 1976
550500A	OGDENSBURG, VILLAGE OF (WAUPACA CO.)	AUGUST 23, 1974 AND
		MAY 28, 1976
550113A	OLIVER, VILLAGE OF (DOUGLAS CO.)	AUGUST 30, 1974 AND
		JUNE 18, 1976
550457A	ONTARIO, VILLAGE OF (VERNON CO.)	JANUARY 09, 1974
550427A	OOSTBURG, VILLAGE OF (SHEBOYGAN CO.)	JUNE 28, 1974 AND
		JUNE 04, 1976
550155A	POTOSI, VILLAGE OF (GRANT CO.)	DECEMBER 28, 1973
550401A	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	DECEMBER 07, 1973
550458A	READSTOWN, VILLAGE OF (VERNON CO.)	DECEMBER 07, 1973 AND
		APRIL 16, 1976
550508A	REDGRANITE, VILLAGE OF (WAUSHARA CO.)	MAY 17, 1974 AND
		MAY 28, 1976
550230A	SHULLSBURG, CITY OF (LAFAYETTE CO.)	MAY 17, 1974 AND
		MAY 28, 1976
550231A	SOUTH WAYNE, VILLAGE OF (LAFAYETTE CO.)	DECEMBER 07, 1973 AND
		MAY 28, 1976
550388	STANTON, TOWN OF (ST. CROIX CO.)	NOVEMBER 15, 1974
550387A	STAR PRAIRIE, VILLAGE OF (ST. CROIX CO.)	DECEMBER 28, 1973 AND
		MAY 28, 1976
550353A	STURTEVANT, VILLAGE OF (RACINE CO.)	MAY 24, 1974
550207	UNION CENTER, VILLAGE OF (JUNEAU CO.)	NOVEMBER 15, 1974
550257A	UNITY, CITY OF (MARATHON CO.)	SEPTEMBER 20, 1974
550519A	VESPER, VILLAGE OF (WOOD CO.)	AUGUST 02, 1974 AND
		JUNE 04, 1976
550540	WAUSHARA COUNTY *	JUNE 17, 1977
550378	WEYERHAUSER, VILLAGE (RUSK CO.)	NOVEMBER 12, 1976
550233	WHITE LAKE, VILLAGE (LANGLADE CO)	OCTOBER 01, 1976
550507A	WILD ROSE, VILLAGE OF (WAUSHARA CO.)	MAY 31, 1974 AND
		JUNE 04, 1976
550156A	WOODMAN, VILLAGE OF (GRANT CO.)	JANUARY 16, 1974 AND
		AUGUST 08, 1975
	TOTAL IN THE STATE	57

* UNINCORPORATED AREAS ONLY

WYOMING

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
560068A	AFTON, TOWN (LINCOLN CO)	JUNE 21, 1977	
560001A	ALBANY COUNTY	AUGUST 23, 1977	
560004	BIG HORN COUNTY	AUGUST 02, 1977	
560041A	CHUGWATER, TOWN OF (PLATTE CO.)	DECEMBER 13, 1974	AND
		NOVEMBER 26, 1976	
560059	COWLEY, TOWN (BIG HORN CO)	SEPTEMBER 19, 1975	
560018A	DUBOIS, TOWN OF (FREMONT CO.)	JANUARY 23, 1974	AND
		AUGUST 27, 1976	
		MARCH 07, 1978	
560025A	EAST THERMOPOLIS, TOWN OF (HOT SPRINGS CO.)	NOVEMBER 08, 1974	AND
		FEBRUARY 06, 1976	
560060	EDGERTON, TOWN (NATRONA CO)	OCTOBER 01, 1976	
560062	GLENDO, TOWN (PLATTE CO)	AUGUST 15, 1975	
560022A	GOSHEN COUNTY	JULY 19, 1977	
560072	GUERNSEY, TOWN (PLATTE CO)	NOVEMBER 12, 1976	
560063	HANNA, TOWN (CARBON CO)	AUGUST 22, 1975	
560016	HULETT, TOWN (CROOK CO)	DECEMBER 10, 1976	
560028	KAYCEE, TOWN OF (JOHNSON CO.)	NOVEMBER 22, 1974	
560035A	KEMMERER, TOWN OF (LINCOLN CO.)	MARCH 29, 1974	AND
		DECEMBER 17, 1976	
560064	LINGLE, TOWN (GOSHEN CO)	AUGUST 15, 1975	
560066	MEDICINE BOW, TOWN (CARBON CO)	JUNE 25, 1976	
560076A	MILLS, TOWN (NATRONA CO)	AUGUST 16, 1977	
560046A	RANCHESTER, TOWN OF (SHERIDAN CO.)	SEPTEMBER 06, 1974	AND
		MARCH 12, 1976	
560021A	RIVERTON, CITY OF (FREMONT CO.)	MARCH 29, 1974	AND
		AUGUST 06, 1976	
560003	ROCK RIVER, CITY OF (ALBANY COU)	FEBRUARY 07, 1975	
560078	SHOSHONI, TOWN (FREMONT CO)	AUGUST 15, 1975	
560055	TEN SLEEP, TOWN OF (WASHAKIE CO.)	DECEMBER 13, 1974	
560079	UPTON, TOWN (WESTON CO)	JUNE 25, 1976	
560024	YODER, TOWN OF (GOSHEN CO.)	DECEMBER 06, 1974	

TOTAL IN THE STATE 25

NATIONAL TOTAL 3,683

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-11652 Filed 4-27-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTROSE DISTRICT GRAZING ADVISORY BOARD

Meeting

APRIL 21, 1978.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Montrose District Grazing Advisory Board will be held on June 6, 1978.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management Office, Highway 550 South, Montrose, Colo.

The agenda for the meeting will include: (1) A discussion of the function of the Board; (2) the expenditure of range betterment and advisory board funds for range improvements; (3) a review of the current policy and program relating to allotment management plans including the ongoing and future grazing environmental statement effort; (4) election of officers; (5) discussion of the board's future involvement in the allotment management plan program, and; (6) the arrangement for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on June 6, 1978, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose Colo. 81401, by June 1, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

KENNETH D. HERMAN,
Acting District Manager.

[FR Doc. 78-11517 Filed 4-27-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-31]

CERTAIN STEEL TOY VEHICLES

Notice and Order Concerning Commission Determination

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission hereby orders the termination of investigation No. 337-TA-31, Certain Steel Toy Vehicles, on the basis of a determination that no violation of section 337 of the Tariff Act of 1930. as amended, exists.

Copies of the Commission Memorandum Opinion in support of the Commission action are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. Notice of the institution of the investigation was published in the Federal Register on April 15, 1977 (42 F.R. 19933).

Issued: April 17, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-11519 Filed 4-27-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-50]

CERTAIN SYNTHETIC GEMSTONES

Resetting of Preliminary Conference

Notice is hereby given that the Preliminary Conference previously scheduled for May 2, 1978, is hereby reset on the preceeding day, May 1, 1978, at 2 p.m. in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, NW., Washington, D.C. The original notice of this preliminay conference was issued on April 17, 1978.

The Secretary shall serve a copy of this order on parties of record and shall publish this notice in the FEDERAL REGISTER.

Issued: April 25, 1978.

JUDGE DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-11692 Filed 4-27-78; 8:45 am]

[7020-02]

[303-TA-2]

LEATHER WEARING APPAREL FROM URUGUAY

Determination of Injury

On January 24, 1978, the United States International Trade Commission received advice from the Department of the Treasury (Treasury) that a bounty or grant is being paid with respect to leather wearing apparel imported from Uruguay, entered under item 791.76 of the Tariff Schedules of the United States (TSUS) and accorded duty-free treatment under section 501 of Title V of the Trade Act of 1974. Accordingly, the Commission, on February 3, 1978, instituted investigation No. 303-TA-2, under section 303(b) of the Tariff Act of 1930, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the important of such merchandise into the United States.

Notice of the institution of the investigation and time of the public hearing to be held in connection therewith was published in the FEDERAL REGISTER of February 9, 1978 (43 FR 5593). Notice of the place of the public hearing was published in the FEDERAL REGISTER of March 1, 1978 (43 FR 8306). On March 14, 1978, a public hearing was held in New York City, at which all persons who requested the opportunity were permitted to appear in person or by counsel.

On the basis of its investigation, the Commission has unanimously determined (Commissioner Ablondi not participating) that an industry in the United States is being injured[1] by reason of the importation of leather wearing apparel from Uruguay, entered under item 791.76 of the Tariff Schedules of the United States and accorded duty-free treatment under section 501 of Title V of the Trade Act of 1974, upon which the Department of the Treasury has determined that a bounty or grant is being paid within the meaning of section 303 of the Tariff Act of 1930, as amended.

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

[1]Vice Chairman Joseph O. Parker determined that an industry in the United States is being or is likely to be injured.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN DANIEL MINCHEW, VICE CHAIRMAN JOSEPH O. PARKER, AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND BILL ALBERGER

In order for a Commissioner to make an affirmative determination in an investigation under section 303(b) of the Tariff Act of 1930, as amended, it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,[2] and the injury or likelihood thereof must be by reason of the importation into the United States of merchandise found by the Department of the Treasury (Treasury) to be receiving a bounty or grant from the exporting country.

DETERMINATION

On the basis of the information obtained in the investigation, we determine that an industry in the United States is being injured by reason of the importation of leather wearing apparel from Uruguay which the Treasury has determined is receiving a bounty or grant from the Government of Uruguay.[3]

THE PRODUCT AND THE DOMESTIC INDUSTRY

The leather wearing apparel which is the subject of this investigation includes virtually all leather wearing apparel other than articles of reptile leather, footwear, gloves, headwear, apparel belts, and watch straps, or wearing apparel in chief value of fur or in chief weight of cotton, wool, or manmade fibers, or any combination thereof. Various styles of coats and jackets account for the bulk of U.S. shipments of leather wearing apparel; however, leather is used in the manufacture of a variety of apparel, including pants, vests, skirts, dresses, and shorts.

THE BOUNTY OR GRANT

Treasury examined several categories of alleged bounties or grants on leather wearing apparel, and concluded that these bounties and grants were equal to approximately 12 percent of the f.o.b. price of Uruguayan apparel exported to the United States. The most significant bounty, tax rebate certificates known as "reintegros," account for about 90 percent of the subsidies. Treasury has indicated its intention to waive countervailing duties under section 303(d), due to a commitment by the Government of Uruguay to totally remove the net bounty derived from the tax rebate certificate program between January 1, 1978, and January 1, 1979.[4] We note that Treasury's stated intention does not relieve us of our responsibility for making a determination, although it is recognized that the prompt elimination of all subsidies would correct this violation.

THE QUESTION OF INJURY OR LIKELIHOOD THEREOF

Imports and market share.—The value of imports from Uruguay has increased steadily and sharply since 1972 ($0.8 million), reaching $4.7 million in 1974, $17.6 million in 1976, and increasing again to $24.6 million in 1977. Their market share has increased from 0.3 percent of U.S. consumption in 1972 to 5.6 percent in 1977.

During the same time period, imports from Korea and the Republic of China (Taiwan) were greater than those from Uruguay. However, by 1977 Uruguay had almost overtaken Taiwan as the second largest supplier of imports to the U.S. market (11.2 percent share of total imports compared to Taiwan's 12.6 percent).

Capacity utilization.—Utilization of U.S. producers' capacity to manufacture leather wearing apparel has declined steadily during the period of this investigation, perhaps partially due to expanded capacity prior to the recent sharp increases in imports. Almost one-half of the 185 companies that produced these articles in 1972 have since discontinued such production, and some of them have become exclusively importers. The Commission staff data show that capacity utilization (at 81 percent in 1974) took its sharpest dip from 1976-77 when it fell from 79 percent to 67 percent.

U.S. producers' shipments.—Shipments rose from 1972 ($173.5 million) through 1975 reaching a high of $258.9 million, and then dropped sharply to below 1974 levels ($240 million) in 1977 to an estimated $220.6 million. Taking inflation as well as the rise in leather prices into account makes this decline even more significant.

Inventories.—Levels of year-end inventories held by U.S. producers were at their peak in 1974, and declined irregularly to a low level in 1977. Unlike many industries, however, most supplies are produced for specific orders, and inventory levels are probably not a good indicator of the health of this industry.

Employment.—The number of production and related workers employed in the leather wearing apparel industry increased significantly from 6,000 in 1973 to 10,100 in 1974. Since 1974, the decline in workers, man-hours worked, and firms producing the products have all declined. In 1976, 8,500 such workers were employed, and responses to Commission questionnaires indicate a continuing decline through 1977.

Profit and loss experience.—Net operating profits of firms responding to the Commission questionnaires declined from 1975 through 1977. The ratio of net operating profit to net sales was 7.3 percent in 1975, 6.5 percent in 1976, and only 5 percent in 1977.

Prices.—Women's coats, the principal articles imported from Uruguay, show increasing prices for domestic products and decreasing prices for imports from Uruguay. Even in 1975, a representative type of coat imported from Uruguay was priced about 15 dollars below the price of the same type of domestically produced coat. The 12 percent bounty constitutes a significant portion of the price difference. The most substantial decline in domestic shipments of leather wearing apparel has also occurred in the women's apparel segment of the market, the segment which has been primarily impacted by the imports from Uruguay.

Lost sales.—Nine examples of alleged lost sales were presented to the Commission. Five of these former customers indicated they purchase at least part of their leather garment requirements from Uruguay. Two of those five use Uruguay as their major source. The remaining four former customers indicated they import from Korea and Taiwan.

Likelihood of injury.—Having found present injury in this case, we believe it is unnecessary to address the issue of likelihood of injury.[5]

CONCLUSION[6]

From the above considerations, we find that the U.S. industry producing leather wearing apparel is being injured by reason of imports from Uru-

[2]Prevention of establishment of an industry is not an issue in this investigation and will not be discussed further.

[3]Vice Chairman Parker determines in the statutory terms that an industry is being or is likely to be injured by reason of the importation of such merchandise.

[4]Notice of Final Countervailing Duty Determination, FEDERAL REGISTER, January 30, 1978 (43 FR 3974-75).

[5]Vice Chairman Parker believes a determination of present injury necessarily connotes continuing injury in the future if corrective action is not taken.

[6]Chairman Minchew and Commissioner Alberger would have used the paragrapgh "Conclusion" to summarize their views that imports from Uruguay are a cause, at least in part, of the injury sustained by the U.S. industry. The proper standard for analysis of causation in countervailing duty investigations is that used in antidumping investigations. (House Ways and Means Committe, H.R. Doc. No. 93-571, 93d Congress, 1st Session, 1973). The volume of imports from Uruguay ranks third, behind imports from Korea and Taiwan, but is gaining rapidly on Taiwan. With the exception of inventory levels, which are neither a positive nor a negative factor, indications of injury are found in all factors analyzed.

guay which the Department of the Treasury has determined is subject to a bounty or grant.

Issued: April 25, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-11691 Filed 4-27-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

CONSENT JUDGMENT IN ACTION TO ENJOIN DISCHARGE OF POLLUTANTS

In accordance with Departmental policy, 28 CFR § 50.7 38 FR 19029, notice is hereby given that on April 18, 1978, a proposed consent decree in *United States* v. *Public Service Company of New Mexico, et al.* was lodged with the United States District Court for the District of New Mexico. The proposed consent decree requires construction of new air pollution control facilities by June 24, 1978, and provides for civil penalties of $35,000 per day for violations of the schedule in the decree.

The Department of Justice will receive written comments relating to the proposed decree for 30 days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *United States* v. *Public Service Company of New Mexico, et al.*, D.J. Ref. 90-5-2-3-899.

The proposed consent decree may be examined at the office of the United States Attorney, District of New Mexico, Alburquerque, N. Mex., the Region VI office of the Environmental Protection Agency, Dallas, Tex., the Clerk of the District Court, District of New Mexico, and the Pollution Control Section Land and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree judgment may be obtained in person or by mail from the Pollution Control section, Land and Natural Resources Division, Department of Justice (Room 2625)

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 78-11585 Filed 4-27-78; 8:45 am]

[4410-01]

Drug Enforcement Administration

[Docket No. 77-16]

AARON LAX, M.D.

Revocation of Registration

On July 26, 1977, the Administrator, Drug Enforcement Administration, (DEA), issued to Aaron Lax (Respondent) an Order to Show Cause as to why his registration AL1454052 should not be revoked for the reason that on March 14, 1977, he was convicted in the U.S. District Court for the Central District of California of four counts of knowingly and intentionally possessing and distributing a Schedule II controlled substance in violation of 21 U.S.C. 841(a)(1).

On May 6, 1977, the Respondent requested a hearing on the proposed revocation. On October 19 and 20, 1977, a hearing was held in Los Angeles, Calif. before Administrative Law Judge Francis L. Young.

On February 16, 1978, Judge Young certified to the Administrator pursuant to 21 CFR § 1316.65 his opinion and recommended ruling, findings of fact, conclusions of law and decision together with the record of proceedings. After reviewing this material the Administrator hereby issues his final order in this proceeding.

The Administrative Law Judge found that the Respondent was convicted of four felonies relating to controlled substances. The Administrative Law Judge also found that on each of two occasions the Respondent sold 25 grams of non-pharmaceutical cocaine to a patient. The Administrator adopts these findings of fact.

The Administrative Law Judge concluded as a matter of law that there is a lawful basis for revocation of the Respondent's registration and the Administrator adopts this conclusion of law.

The Respondent alleged at his hearing in this matter that the sale of cocaine was for a legitimate medical purpose. The evidence, however, fails to establish that this activity was other than a felonious act by a doctor knowledgeable in the handling, sale and use of illicit cocaine.

The Administrator finds little extenuating or mitigating circumstances in the file on this matter. The Respondent testified at his hearing that a revocation of his controlled substances registration would for all practical purposes foreclose the pursuit of his professional practice. The Administrator has carefully weighed all the the expressed concerns of the Respondent while being mindful of his responsibilities to the welfare of the general public.

Accordingly, under the authority vested in the Attorney General, and redelegated to the Administrator, Drug Enforcement Administration, the Administrator hereby orders the DEA Certificate of Registration of Aaron Lax, M.D. (AL1454052) revoked, effective immediately.

PETER B. BENSINGER,
Administrator.

APRIL 21, 1978.

[FR Doc. 78-11582 Filed 4-27-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

ALLOCATIONS UNDER TITLE II AND TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ("CETA")

Allocations for Fiscal Year 1977 and Fiscal Year 1978

AGENCY: Employment and Training Aministation, Labor.

ACTION: Notice.

SUMMARY: This notice lists the total allocations to prime sponsors for Title II and Title VI of CETA for fiscal year 1977 and fiscal year 1978 as well as the calendar year 1976 high three consecutive months average unemployment rate for each prime sponsor. This listing is published pursuant to legislative mandate.

FOR FURTHER INFORMATION CONTACT:

T. James Walker, Acting Administrator for Administration and Management, Room 4000, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-7563.

SUPPLEMENTARY INFORMATION: All of the funds listed below have been distributed to prime sponsors. If there are questions regarding the expenditure of these funds they should be addressed to the local prime sponsor. These allocations include all reallocations as of March 15, 1978.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
BRIDGEPORT CONSORTIUM	11.9	4,054,288	17,269,780
HARTFORD CONSORTIUM	9.2	5,535,735	17,208,453
NEW HAVEN CONSORTIUM	10.6	3,787,521	16,259,248
STAMFORD CONSORTIUM	8.1	1,442,202	5,923,831
WATERBURY CITY	13.6	1,344,885	6,086,725
BALANCE OF CONNECTICUT	10.9	12,854,840	61,987,860
CONNECTICUT		29,019,471	124,735,897
PENOBSCOT/HANCOCK CSRT	10.5	1,594,498	6,390,176
CUMBERLAND COUNTY	8.8	1,879,337	7,262,755
BALANCE OF MAINE	11.8	5,350,281	23,896,189
KENNEBECK CO	9.7	758,716	3,259,098
MAINE		9,582,832	40,808,218
BOSTON CITY	12.8	7,352,653	33,459,175
EMHRDA CONSORTIUM	11.0	3,212,420	14,153,044
NEW BEDFORD CONSORTIUM	15.1	2,294,454	10,884,277
HAMPDEN COUNTY CONSORTIUM	11.6	4,723,224	20,998,079
WORCESTER CONSORTIUM	10.8	3,076,117	13,313,138
LOWELL CONSORTIUM	12.6	2,531,742	11,164,422
BROCKTON CONSORTIUM	12.0	2,087,359	9,762,614
BALANCE OF MASSACHUSETTS	10.9	32,932,578	144,769,664
MASSACHUSETTS		58,210,547	258,504,413
ROCKINGHAM/STRAFFORD CSRT	7.7	1,248,365	5,528,389
HILLSBOROUGH COUNTY	8.3	1,738,321	7,018,746
BALANCE OF NEW HAMPSHIRE	8.0	1,969,312	8,877,799
NEW HAMPSHIRE		4,955,998	21,424,934
PROVIDENCE CITY	11.0	1,953,537	8,615,432
BALANCE OF RHODE ISLAND	9.7	7,256,692	29,901,446
RHODE ISLAND		9,210,229	38,516,878
VERMONT STATEWIDE CSRT	10.1	4,082,790	17,352,349
VERMONT		4,082,790	17,352,349
REGION I		115,061,867	501,342,689
ATLANTIC COUNTY	16.2	2,378,372	10,536,558
BERGEN COUNTY	9.7	7,501,324	32,164,497
BURLINGTON COUNTY	10.0	2,764,849	11,519,008
BAL OF CAMDEN COUNTY	8.7	2,843,919	11,941,742
CAMDEN CITY	15.3	1,441,112	6,667,044
CUMBERLAND COUNTY	14.7	1,466,663	6,753,767
ELIZABETH CITY	12.4	1,234,440	5,552,711
BAL OF ESSEX COUNTY	10.1	4,670,705	20,219,666
GLOUCESTER COUNTY	10.2	1,558,081	6,765,568
HUDSON CO CRST	14.9	7,698,722	33,993,532
BAL OF MERCER COUNTY	6.6	813,878	4,181,415
MIDDLESEX COUNTY	11.0	5,723,274	25,190,049
MONMOUTH COUNTY	10.9	3,855,103	16,886,374
MORRIS COUNTY	8.7	2,547,772	10,654,210
NEWARK CITY	19.4	6,054,611	29,121,133
OCEAN COUNTY	14.5	2,816,583	12,487,796
BAL OF PASSAIC COUNTY	11.5	3,021,027	13,111,068
PATERSON CITY	18.3	2,132,901	10,109,429
SOMERSET COUNTY	7.3	1,147,686	4,487,982
TRENTON CITY	11.8	1,232,985	5,236,735
BAL OF UNION COUNTY	9.4	3,325,520	14,142,542
BALANCE OF NEW JERSEY	12.9	3,816,093	17,260,352
NEW JERSEY		70,045,620	308,983,178
ALBANY CONSORTIUM	7.4	1,817,754	7,256,380
BROOME COUNTY	8.4	1,463,186	6,059,463
BUFFALO CITY	15.8	6,621,809	28,928,621
CHAUTAUQUA CONSORTIUM	11.1	2,418,741	10,673,157
CHEMUNG COUNTY	9.9	744,949	3,206,635
DUTCHESS COUNTY	7.2	1,270,847	5,029,111
ERIE CONSORTIUM	10.2	4,966,163	21,501,257
ROCHESTER CITY	10.7	2,775,005	12,135,696
MONROE COUNTY	5.9	1,630,941	7,047,785
NASSAU CONSORTIUM	9.4	10,981,264	46,630,541
NIAGARA COUNTY	14.4	2,578,827	11,858,462
ONEIDA COUNTY	11.8	2,491,326	10,693,998
BAL OF ONONDAGA COUNTY	8.0	1,781,098	7,285,922
ORANGE COUNTY	10.6	2,181,559	9,119,970
OSWEGO COUNTY	16.0	1,243,897	5,802,839
RENSSELAER COUNTY	8.7	1,063,759	4,441,272
ROCKLAND COUNTY	8.9	1,490,673	6,246,644
ST. LAWRENCE COUNTY	15.8	1,260,349	5,871,351
SARATOGA COUNTY	9.4	958,583	3,926,695

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
SCHENECTADY COUNTY	8.2	1,070,678	4,014,633
STEUBEN COUNTY	10.9	867,886	3,684,043
SUFFOLK CONSORTIUM	11.7	9,550,964	42,480,986
SYRACUSE CITY	10.3	1,759,560	7,694,007
ULSTER COUNTY	13.3	1,528,782	6,949,009
WESTCHESTER CONSORTIUM	9.1	5,539,488	23,208,707
YONKERS CITY	10.6	1,910,776	8,346,322
BALANCE OF NEW YORK	12.4	16,527,935	73,111,770
NEW YORK CITY	11.9	68,820,693	301,391,798
NEW YORK		157,317,492	684,677,074
BAYAMON MUNICIPIO	13.7	1,612,715	7,001,124
CAGUAS MUNICIPIO	22.4	1,573,506	7,301,018
CAROLINA MUNICIPIO	9.7	721,015	3,092,403
MAYAGUEZ MUNICIPIO	15.2	1,333,143	5,618,204
PONCE MUNICIPIO	19.2	2,129,670	9,618,919
SAN JUAN CONSORTIUM	14.2	5,218,148	24,240,063
BALANCE OF PUERTO RICO	25.0	26,852,640	124,889,281
PUERTO RICO		39,440,837	181,761,012
REGION II		266,803,949	1,175,421,264
DELAWARE MANPOWER CSRT	9.0	3,811,233	15,454,917
WILMINGTON CITY	13.7	1,259,364	5,346,165
DELAWARE		5,070,597	20,801,082
DISTRICT OF COLUMBIA	9.5	6,925,056	29,337,509
DIST OF COLUMBIA		6,925,056	29,337,509
BALANCE OF MARYLAND	10.6	3,345,381	14,093,617
BALTIMORE CONSORTIUM	8.7	14,939,349	62,358,123
MONTGOMERY COUNTY	4.1	144,627	4,562,953
PRINCE GEORGES COUNTY	4.7	893,877	7,832,145
WESTERN MARYLAND CSRT	12.4	2,913,272	12,803,892
MARYLAND		22,236,506	101,650,730
LEHIGH VALLEY CONSORTIUM	7.9	3,705,789	14,947,158
LANCASTER CONSORTIUM	7.3	2,824,959	11,225,717
BUCKS COUNTY	7.1	2,815,401	10,935,669
CHESTER COUNTY	5.9	983,612	5,021,639
DELAWARE COUNTY	7.1	3,675,037	14,530,664
MONTGOMERY COUNTY	6.7	3,381,704	12,988,015
PHILADELPHIA CITY/COUNTY	11.7	17,292,634	73,219,154
BERKS COUNTY	6.9	1,878,039	7,303,200
BAL OF LACKAWANNA COUNTY	10.9	1,223,550	5,313,888
SCRANTON CITY	10.5	932,854	3,936,318
LUZERNE COUNTY	10.7	3,306,255	13,908,040
SCHUYLKILL CONSORTIUM	9.5	1,692,161	7,188,278
ERIE CITY	10.8	1,214,174	5,331,552
BAL OF ERIE COUNTY	10.8	1,226,890	5,383,207
BAL OF ALLEGHENY COUNTY	7.6	5,867,953	23,605,514
PITTSBURGH CITY	11.2	4,810,416	20,336,384
BEAVER COUNTY	7.6	1,210,607	4,867,181
WASHINGTON COUNTY	8.9	1,492,079	6,179,879
WESTMORELAND COUNTY	10.1	3,049,625	12,656,076
TRI-COUNTY CONSORTIUM	9.5	2,134,207	9,427,379
FAYETTE COUNTY	11.0	1,141,019	5,029,405
LAWRENCE COUNTY	10.7	868,221	3,396,389
MERCER COUNTY CONSORTIUM	10.1	2,873,832	12,434,120
SOUTHERN ALLEGANY CSRT	9.4	3,722,738	15,354,423
SUSQUEHANNA CONSORTIUM	6.4	1,049,002	7,786,399
YORK COUNTY	7.7	1,805,657	7,312,120
LYCOMING CONSORTIUM	12.4	1,509,746	6,785,171
FRANKLIN COUNTY	7.9	691,085	2,826,748
BALANCE OF PENNSYLVANIA	10.5	6,532,887	28,524,276
CENTRE COUNTY	6.0	248,351	1,959,421
NORTHUMBERLAND COUNTY	11.5	916,173	4,066,747
PENNSYLVANIA		86,076,657	363,780,131
PENINSULA CONSORTIUM	7.1	1,800,743	7,479,803
STANA CONSORTIUM	7.3	3,944,976	16,207,150
RAMPS CONSORTIUM	6.3	990,658	5,639,970
HENRICO COUNTY CONSORTIUM	3.7	111,035	2,141,742
ROANOKE CONSORTIUM	7.6	1,586,456	6,498,912
ARLINGTON COUNTY	4.6	202,845	2,218,067
FAIRFAX COUNTY	4.5	189,737	4,161,087
PRINCE WILLIAM COUNTY	4.8	56,465	933,224
ALEXANDRIA CITY	4.0	0	1,030,360
BALANCE OF VIRGINIA	7.9	13,872,214	53,529,095
VIRGINIA		22,755,129	99,839,410
WEST VIRGINIA STWIDE CSRT	8.9	12,199,590	52,410,938
WEST VIRGINIA		12,199,590	52,410,938
REGION III		155,263,535	667,819,800

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
BALANCE OF ALABAMA	7.9	11,159,426	46,228,602
BIRMINGHAM CONSORTIUM	7.3	3,945,933	15,683,993
HUNTSVILLE CONSORTIUM	7.8	1,128,248	4,586,997
MOBILE CONSORTIUM	6.7	2,058,452	8,369,739
MONTGOMERY CONSORTIUM	5.7	570,790	3,484,377
TUSCALOOSA COUNTY	6.3	60,863	1,624,850
ALABAMA		18,923,712	79,978,558
BALANCE OF FLORIDA	9.8	9,236,399	38,509,881
ALACHUA COUNTY	6.7	689,809	2,852,864
BREVARD COUNTY	13.6	2,773,787	11,885,234
BROWARD CONSORTIUM	13.7	8,991,362	41,094,500
MIAMI/DADE CONSORTIUM	10.8	14,480,789	63,546,501
ESCAMBIA COUNTY	6.4	754,645	4,520,665
HEARTLAND MANPOWERCSRT	11.2	3,378,843	14,216,764
LEE COUNTY	12.6	1,463,799	6,609,949
LEON/GADSEN CONSORTIUM	5.7	430,089	2,767,548
N.E. FLORIDA MNPR CSRT	6.6	3,099,761	12,400,698
ORANGE CNTY/ORLANDO CSRT	10.8	3,875,928	17,008,843
MANATEE COUNTY	10.4	988,625	4,308,926
PALM BEACH COUNTY	11.7	4,672,322	20,078,536
PASCO COUNTY	14.1	1,150,102	4,325,148
SEMINOLE COUNTY	11.2	1,314,777	5,814,605
ST. PETERSBURG CONSORTIUM	10.5	4,390,905	19,096,783
SARASOTA COUNTY	11.0	1,224,004	5,394,033
TAMPA CONSORTIUM	10.6	5,460,680	23,634,457
VOLUSIA COUNTY	11.1	1,707,287	7,539,082
FLORIDA		70,083,913	305,605,017
BALANCE OF GEORGIA	8.8	16,587,474	69,505,148
CSRA CONSORTIUM	9.6	2,320,666	9,556,320
ATLANTA CITY	11.9	7,049,134	30,265,841
CLAYTON COUNTY	8.0	756,606	3,092,901
COBB COUNTY	9.5	1,880,196	7,961,283
COLUMBUS AREA CONSORTIUM	9.2	1,193,270	4,846,901
DEKALB COUNTY	6.8	1,807,259	8,934,885
FULTON COUNTY	8.2	1,257,165	5,166,699
MID GEORGIA CONSORTIUM	10.7	2,204,230	9,295,978
SAVANNAH/CHATHAM CSRT	9.3	1,244,947	5,145,976
GWINNETT CO	6.4	79,922	1,216,335
GEORGIA		36,380,869	154,988,267
BLUE GRASS MANPOWER CSRT	4.2	531,365	3,444,367
LOUISVILLE/JEFFERSON CSRT	7.4	4,376,643	17,585,678
KENTON COUNTY	9.2	902,695	3,814,608
BALANCE OF KENTUCKY	7.1	10,101,265	38,711,126
EASTERN KENTUCKY RURAL CE	8.8	2,512,202	10,576,760
KENTUCKY		18,424,170	74,132,539
BALANCE OF MISSISSIPPI	7.5	12,024,200	48,027,760
JACKSON CONSORTIUM	5.8	776,434	5,374,237
MISSISSIPPI		12,800,634	53,401,997
BALANCE OF NORTH CAROLINA	7.4	20,613,939	82,501,565
ALAMANCE COUNTY	10.0	905,086	3,845,254
BUNCOMBE COUNTY	7.5	1,023,522	4,098,498
CUMBERLAND COUNTY	7.4	872,724	3,476,806
CHARLOTTE CITY	7.1	1,943,713	7,466,272
DURHAM CONSORTIUM	5.1	461,646	3,088,563
GASTON COUNTY	7.3	328,793	3,743,128
GREENSBORO CONSORTIUM	6.1	867,429	5,588,274
ONSLOW COUNTY	7.6	326,296	1,317,850
RALEIGH CONSORTIUM	6.3	1,098,079	5,517,315
BAL OF WAKE COUNTY	4.6	0	1,182,190
WINSTON SALEM CONSORTIUM	6.5	1,497,601	6,247,213
DAVIDSON COUNTY	6.8	232,582	2,304,365
NORTH CAROLINA		30,171,410	130,377,293
SOUTH CAROLINA STATEWIDE	7.7	21,347,046	82,789,414
SOUTH CAROLINA		21,347,046	82,789,414
BALANCE OF TENNESSEE	8.1	14,626,168	60,270,496
CHATTANOOGA CITY	6.3	578,120	2,486,733
MEMPHIS CONSORTIUM	6.6	2,831,006	14,404,604
BAL OF HAMILTON COUNTY	4.7	109,607	1,484,962
KNOXVILLE CONSORTIUM	5.4	753,911	4,122,214
NASHVILLE/DAVIDSONCNTY	6.3	1,327,698	9,038,194
SULLIVAN COUNTY	6.0	354,796	2,248,446
TENNESSEE		20,581,306	94,055,649
REGION IV		228,713,060	975,328,734

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
CHICAGO CITY	10.4	24,210,388	105,309,779
BAL OF COOK COUNTY	5.8	7,789,625	40,772,067
DUPAGE COUNTY	4.9	473,573	2,573,998
KANE CO CSRT	6.6	1,775,815	7,471,415
LAKE COUNTY	6.9	2,162,097	9,006,701
MACON COUNTY	9.1	981,045	4,178,609
MCHENRY COUNTY	6.7	685,598	2,802,633
ROCK ISLAND COUNTY	6.5	839,443	3,839,795
TAZEWELL COUNTY	5.1	144,461	1,415,341
LA SALLE COUNTY	7.0	669,765	2,606,586
ROCKFORD CONSORTIUM	10.1	2,452,620	10,628,021
CHAMPAIGN CONSORTIUM	5.3	493,214	2,770,254
WILL COUNTY CONSORTIUM	7.6	1,891,271	7,944,412
SANGAMON COUNTY CSRT	6.8	1,001,153	4,188,426
MADISON COUNTY CONSORTIUM	8.8	2,337,978	9,626,699
ST. CLAIR CONSORTIUM	7.5	1,615,514	6,512,553
PEORIA CONSORTIUM	5.8	622,063	3,313,166
EAST ST. LOUIS CITY	15.5	1,303,133	5,230,673
SHAWNEE CONSORTIUM	11.1	946,045	4,246,674
BALANCE OF ILLINOIS	8.0	11,577,326	49,542,846
MCLEAN COUNTY	4.8	0	1,213,998
ILLINOIS		63,972,127	285,194,646
GARY CITY	10.4	1,536,733	6,695,032
HAMMOND CITY	7.4	697,476	2,934,575
BAL OF LAKE COUNTY	6.6	873,927	5,297,686
ELKHART COUNTY	6.2	360,697	3,027,730
SOUTH BEND CITY	6.9	829,457	3,720,640
BAL OF ST. JOSEPH COUNTY	6.2	630,851	2,662,941
TIPPECANOE COUNTY	5.7	354,795	864,019
MADISON COUNTY	7.3	871,339	3,654,286
VIGO COUNTY	6.2	171,516	2,205,860
INDIANAPOLIS CITY	8.4	5,941,327	23,474,318
LA PORTE COUNTY	9.0	747,440	3,412,021
FT. WAYNE CONSORTIUM	8.0	3,152,180	12,985,333
DELAWARE CONSORTIUM	8.5	1,031,033	4,727,808
SOUTHWESTERN CONSORTIUM	6.6	1,734,616	7,749,198
BALANCE OF INDIANA	8.2	14,652,263	59,580,441
INDIANA		33,585,650	142,991,888
BALANCE OF MICHIGAN	13.9	15,165,656	69,623,167
FLINT/GENESSEE CONSORTIUM	10.9	5,638,989	23,666,538
LANSING CONSORTIUM	9.8	3,414,325	14,709,791
JACKSON CONSORTIUM	11.8	3,066,228	13,107,593
KENT CONSORTIUM	10.3	5,972,919	24,779,075
MUSKEGON CONSORTIUM	11.9	1,697,155	7,581,957
DEARBORN CITY	7.0	717,544	2,831,566
DETROIT CITY	15.3	13,668,414	67,633,008
LIVONIA CITY	5.9	308,309	1,783,078
WARREN CITY	8.3	1,337,710	5,552,403
BAY COUNTY	11.1	1,117,998	4,768,828
BERRIEN COUNTY	12.9	1,774,087	7,815,859
CALHOUN COUNTY	11.5	1,502,325	6,641,351
KALAMAZOO COUNTY	8.2	1,513,195	6,246,201
BAL OF MACOMB COUNTY	9.4	3,943,958	16,360,365
MONROE COUNTY	8.5	825,294	3,445,666
OAKLAND COUNTY	9.9	9,227,180	38,353,718
OTTAWA COUNTY	8.6	1,083,725	4,349,272
SAGINAW COUNTY	9.7	1,934,324	7,943,468
ST. CLAIR COUNTY	13.5	2,458,517	14,123,546
BAL OF WAYNE CO	8.8	7,624,939	32,138,851
ANN ARBOR CITY	6.3	661,203	2,884,519
BAL OF WASHTENAW CO	11.7	1,563,661	6,974,198
MICHIGAN		86,217,655	383,314,018
DAKOTA COUNTY	6.6	613,926	3,340,047
BAL OF RAMSEY COUNTY	6.3	819,659	3,422,254
ST. PAUL CITY	8.2	2,918,183	11,363,020
QUAD COUNTIES CSRT	8.2	2,287,408	9,012,690
REGION III CONSORTIUM	8.3	1,435,985	5,698,926
DULUTH CITY	9.0	731,113	3,086,988
BALANCE OF MINNESOTA	6.6	5,979,511	26,549,109
RURAL MINNESOTA CEP	8.4	3,093,843	12,265,580
BAL OF HENNEPIN COUNTY	6.0	1,916,615	11,462,789
MINNEAPOLIS CITY	8.7	4,029,167	16,305,658
MINNESOTA		23,825,410	102,507,061
CINCINNATI CITY	11.8	4,280,040	20,291,286
BUTLER COUNTY	10.6	2,120,640	9,148,607
CLARK COUNTY	9.7	1,194,921	5,123,894
BAL OF HAMILTON CO	7.3	2,243,213	9,815,014
LORAIN COUNTY	7.9	1,832,712	7,305,977
AKRON CONSORTIUM	9.3	4,570,357	19,386,226
CANTON CONSORTIUM	9.6	3,695,782	15,820,321

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
CLEVELAND CONSORTIUM	8.2	11,428,812	46,988,743
COLUMBUS CONSORTIUM	7.9	5,939,025	24,173,033
MIAMI VALLEY CONSORTIUM	8.4	4,228,784	17,523,806
LICKING/DEL CONSORTIUM	10.3	1,479,709	6,368,793
TOLEDO CONSORTIUM	9.4	4,501,553	19,192,801
NORTH EAST OHIO MANPOWER	11.2	5,861,439	25,862,710
BALANCE OF OHIO	10.0	19,043,392	82,219,402
ALLEN COUNTY	10.4	979,156	3,757,535
GREENE COUNTY	7.4	672,385	2,690,899
CLERMONT COUNTY CSRT	9.6	1,282,643	5,481,702
LAKE/ASHTABULA CSRT	8.6	2,399,667	9,515,706
PORTAGE CO	13.6	1,489,014	6,940,990
RICHLAND/MORROW CSRT	11.0	1,424,160	6,163,723
OHIO		80,667,404	343,771,168
OUTAGAMIE COUNTY	6.1	368,804	2,067,206
ROCK COUNTY	7.4	681,620	3,424,489
MILWAUKEE COUNTY	8.2	8,040,293	32,105,279
MADISON/DANE CONSORTIUM	4.6	188,199	3,437,043
WOW CONSORTIUM	5.1	115,733	4,389,149
WINNE/FOND CONSORTIUM	7.3	1,414,428	5,615,633
TRICO CETAC	8.0	2,354,150	10,513,886
BALANCE OF WISCONSIN	7.2	11,344,052	43,699,997
NORTHWEST WISCONSIN CEP	10.8	1,347,607	5,918,772
MARATHON COUNTY	6.7	522,860	2,165,410
WISCONSIN		26,377,746	113,336,864
REGION V		314,645,992	1,371,115,645
CENTRAL ARKANSAS CONSORTI	6.1	1,419,893	7,780,985
TEXARKANA	11.1	631,058	1,983,060
BALANCE OF ARKANSAS	9.2	11,189,727	46,143,788
ARKANSAS		13,240,678	55,907,833
RAPIDES PARISH	8.7	805,779	3,246,226
BATON ROUGE CITY	5.8	1,357,047	5,693,202
LAFAYETTE PARISH	4.4	35,427	1,021,630
CALCASIEU/JEFF CONSORTIUM	7.9	1,196,207	4,994,050
OUACHITA PARISH	8.2	742,783	3,062,099
NEW ORLEANS CITY	8.9	5,786,205	22,420,187
JEFFERSON PARISH	5.8	986,395	5,361,377
SHREVEPORT CITY	7.2	1,110,156	4,406,230
BALANCE OF LOUISIANA	7.3	10,860,513	41,292,285
LOUISIANA		22,880,512	91,497,286
ALBUQUERQUE CONSORTIUM	9.8	3,579,540	14,384,555
BALANCE OF NEW MEXICO	10.1	6,003,443	24,344,754
NEW MEXICO		9,582,983	38,729,309
COMANCHE COUNTY	7.9	437,016	1,781,527
OKLAHOMA COUNTY	6.3	484,243	3,040,421
OKLAHOMA CITY CONSORTIUM	6.9	2,663,240	10,476,391
BAL. OF CLEVELAND CO.	5.1	551,738	2,630,671
TULSA CONSORTIUM	5.9	1,184,224	8,184,889
BALANCE OF OKLAHOMA	6.8	5,129,481	25,909,057
OKLAHOMA		10,449,942	52,022,956
TEXARKANA CONSORTIUM	12.2	615,753	2,760,968
TEXAS PANHANDLE MANPOWER	3.8	71,188	2,089,456
CAPITAL AREA MANPOWER CON	4.9	1,027,102	6,038,156
S.E. TEXAS COMPREHENSIVE	7.7	2,354,984	9,502,435
PASADENA CITY	5.6	84,605	1,142,403
CAMERON COUNTY	11.5	1,703,168	7,158,469
COASTAL BEND MANP.CSRT	7.3	2,185,818	8,825,053
DALLAS CITY	5.6	2,244,743	12,810,523
BAL OF DALLAS COUNTY	4.2	222,179	5,025,449
LUBBOCK CITY	4.3	156,520	1,653,132
WEST CENTRAL TEXASCSRT	4.1	260,388	2,623,732
EL PASO CONSORTIUM	12.5	3,474,300	15,669,647
FT. WORTH CONSORTIUM	5.8	1,392,711	10,209,132
BAL OF TARRANT CO	4.8	0	1,588,081
GALVESTON COUNTY	7.5	950,766	4,463,982
HOUSTON CITY	6.4	3,631,665	25,910,631
BAL OF HARRIS COU NTY	5.5	0	5,636,975
CENTRAL TEXAS MANPOWER CO	6.0	619,881	2,914,809
HIDALGO COUNTY CONSORTIUM	11.7	2,119,986	8,932,123
ALAMO CONSORTIUM	8.1	6,527,069	26,798,038
REGION XI CONSORTIUM	6.1	248,687	3,514,058
NORTH TEXAS STATE PLANNIN	4.6	113,046	1,937,628
WEBB COUNTY	18.5	1,073,734	4,996,944
BRAZORIA CONSORTIUM	5.4	458,781	5,141,002
BALANCE OF TEXAS	5.8	5,991,485	38,018,540
TEXAS		37,528,559	215,361,366
REGION VI		93,682,674	453,518,750

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
BALANCE OF IOWA	5.1	3,415,015	22,770,335
BLACKHAWK COUNTY	6.5	764,202	2,955,021
CEN. IOWA REGIONALASSN	4.7	915,825	6,298,482
LINN COUNTY MANPOWER CSRT	4.8	317,954	2,272,172
SCOTT COUNTY	4.9	272,637	1,938,936
WOODBURY COUNTY	5.4	122,392	1,675,566
IOWA		5,808,025	37,910,512
BALANCE OF KANSAS	3.7	1,075,927	12,131,408
KANSAS CITY CONSORTIUM	8.1	1,474,976	5,786,770
JOHNSON/LEAVENWORTH CONSO	5.6	27,589	3,052,959
WICHITA CITY	6.1	460,531	4,218,170
TOPEKA CONSORTIUM	5.8	381,205	2,458,022
KANSAS		3,420,228	27,647,329
BALANCE OF MISSOURI	6.5	6,497,515	34,432,355
SPRINGFIELD CITY	6.3	341,197	2,412,654
BAL OF JACKSON CO	6.5	153,441	1,759,713
KANSAS CITY CONSORTIUM	8.1	5,043,599	20,722,313
JEFFERSON/FRANKLINCSRT	8.3	1,110,900	4,596,324
ST. LOUIS COUNTY	5.3	1,286,741	12,564,801
ST. LOUIS CITY	14.2	4,949,965	23,779,902
INDEPENDENCE CITY	5.8	385,782	2,020,333
ST. CHARLES COUNTY	8.0	640,673	2,622,686
MISSOURI		20,409,813	104,911,081
BALANCE OF NEBRASKA	3.7	714,788	5,766,100
LINCOLN CITY	3.7	56,063	1,757,770
OMAHA CONSORTIUM	6.1	2,503,275	11,067,966
NEBRASKA		3,274,126	18,591,836
REGION VII		32,912,192	189,060,758
ADAMS COUNTY	7.2	1,445,938	5,761,078
ARAPAHOE COUNTY	5.7	657,048	3,468,633
BOULDER COUNTY	6.6	974,771	3,802,876
COLORADO SPRINGS CSRT	7.6	1,351,751	5,528,469
DENVER CITY/COUNTY	7.6	3,565,692	14,345,428
JEFFERSON COUNTY	5.8	904,531	5,012,878
LARIMER COUNTY	5.1	299,693	1,506,531
PUEBLO COUNTY	8.0	662,735	2,891,950
WELD COUNTY	4.5	130,385	1,044,223
BALANCE OF COLORADO	6.7	2,294,786	9,572,860
COLORADO		12,287,330	52,934,926
BUTTE RURAL CEP	8.0	723,124	2,971,105
BALANCE OF MONTANA	7.6	4,957,148	18,972,361
MONTANA		5,680,272	21,943,466
NORTH DAKOTA STATEWIDE	4.6	2,147,130	13,355,976
NORTH DAKOTA		2,147,130	13,355,976
SOUTH DAKOTA STATEWIDE	4.3	271,131	5,959,404
SOUTH DAKOTA		271,131	5,959,404
UTAH STATEWIDE CONSORTIUM	7.1	6,548,802	25,851,988
UTAH		6,548,802	25,851,988
WYOMING STATEWIDE CONSORT	5.0	384,386	4,744,402
WYOMING		384,386	4,744,402
REGION VIII		27,319,051	124,790,162

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
BALANCE OF ARIZONA	12.4	4,885,054	21,322,273
PHOENIX CITY	11.8	8,387,650	35,000,055
MARICOPA COUNTY	12.2	4,818,383	21,193,376
TUCSON/PIMA CONSORTIUM	9.3	2,979,318	12,984,518
ARIZONA		21,070,405	90,500,222
BAL OF ALAMEDA CNTY	10.3	5,014,940	21,791,920
BERKELEY CITY	15.6	1,843,600	8,440,236
BAL OF CONTRA COSTA CNTY	10.1	3,935,866	17,048,768
MARIN COUNTY	9.0	1,547,508	6,537,902
OAKLAND CITY	14.8	5,224,136	22,941,387
RICHMOND CITY	13.9	929,183	4,253,884
SAN FRANCISCO CITY/COUNTY	12.2	9,988,021	42,334,474
SAN MATEO COUNTY	8.0	4,027,151	16,462,748
SONOMA COUNTY	12.6	2,385,243	10,444,631
SANTA BARBARA COUNTY	8.1	1,791,295	7,364,146
GLENDALE CITY	7.2	888,919	3,522,454
LONG BEACH CITY	9.9	2,937,765	12,661,943
BAL LOS ANGELES CO	9.0	29,614,116	120,119,097
LOS ANGELES CITY	11.0	28,830,876	124,066,103
ORANGE CNTY MANPOWER CSRT	6.8	10,322,088	40,319,717
PASADENA CITY	7.8	777,099	3,160,033
TORRANCE CITY	7.4	944,959	3,736,746
VENTURA COUNTY	10.0	3,134,861	13,540,446
BALANCE OF CALIFORNIA	14.4	10,884,133	47,434,676
HUMBOLDT COUNTY	17.2	1,576,704	7,093,126
SANTA CLARA VALLEY	9.2	8,631,589	36,548,787
SOLANO COUNTY	8.6	1,134,131	4,588,136
SUNNYVALE CITY	8.5	835,929	3,466,195
BUTTE COUNTY	14.6	1,286,848	5,936,307
SACRAMENTO/YOLO CSRT	9.5	6,195,049	25,827,103
STOCKTON/SAN JOAQUIN MNPR	13.0	3,277,791	15,040,551
STANISLAUS COUNTY	17.2	3,767,943	17,013,339
MONTEREY COUNTY	10.8	2,027,347	8,911,521
SANTA CRUZ COUNTY	14.0	1,705,411	7,815,047
FRESNO CITY/COUNTY	10.6	4,728,264	19,608,427
IMPERIAL COUNTY	17.9	1,134,940	5,377,200
KERN COUNTY	9.4	2,532,376	10,695,742
MERCED COUNTY	13.8	1,200,999	5,505,081
INLAND MANPOWER ASSN.	10.7	9,523,049	41,674,789
SAN LUIS OBISPO COUNTY	7.0	617,850	2,432,030
TULARE/KINGS COUNTY	8.8	1,854,077	7,749,595
SAN DIEGO RETC	12.8	16,634,116	71,770,923
CALIFORNIA		193,686,172	823,235,210
HAWAII BAL OF STATE	12.1	2,036,918	8,507,069
HONOLULU CITY/CNTY	9.7	5,883,949	24,521,438
HAWAII		7,920,867	33,028,507
BALANCE OF NEVADA	12.2	1,116,528	4,997,724
LAS VEGAS CONSORTIUM	11.0	3,462,781	14,572,444
WASHOE COUNTY	8.8	1,524,147	5,234,268
NEVADA		6,103,456	24,804,436
REGION IX		228,780,900	971,568,375

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF ADMINISTRATION AND MANAGEMENT
FY 1977-1978 PSE ALLOCATIONS
AS OF 3/15/78

	UNEMPLOYMENT RATE*	TITLE II	TITLE VI
MUNICIPALITY OF ANCHORAGE	8.0	1,043,433	4,258,811
BALANCE OF ALASKA	11.1	2,147,660	8,894,416
ALASKA		3,191,093	13,153,227
IDAHO STATEWIDE CSRT	7.0	5,286,371	19,813,529
IDAHO		5,286,371	19,813,529
PORTLAND CITY	11.0	4,052,458	17,846,469
BAL OF CLACKAMAS COUNTY	10.1	1,486,663	6,437,657
LANE COUNTY	13.3	2,653,946	12,065,808
MULTNOMAH/WASHINGTON CSRT	9.3	2,865,946	12,183,409
MID WILLAMETTE VALLEY CSR	11.6	2,369,579	10,530,565
JACKSON COUNTY CONSORTIUM	14.4	1,923,366	8,483,447
BALANCE OF OREGON	12.8	7,533,606	32,875,785
OREGON		22,885,564	100,423,140
SPOKANE CONSORTIUM	8.8	2,054,131	8,616,614
CLARK COUNTY	8.7	985,981	4,137,184
KING/SNOHOMISH CONSORTIUM	10.0	13,544,961	56,925,968
KITSAP COUNTY	8.8	971,165	3,770,808
TACOMA CITY	11.9	1,458,984	6,710,208
BAL OF PIERCE COUNTY	10.3	1,710,847	7,245,739
YAKIMA COUNTY	11.4	1,664,238	6,851,310
BALANCE OF WASHINGTON	10.6	10,205,667	41,222,504
WASHINGTON		32,595,974	135,480,335
REGION X		63,959,002	268,870,231
STATE AND LOCAL TOTAL		1,527,142,222	6,698,836,408**
VIRGIN ISLANDS		1,421,682	5,726,904
AMERICAN SAMOA		347,390	1,399,282
GUAM		1,058,883	4,265,357
PACIFIC ISLANDS		904,823	3,644,815
NATIVE AMERICANS		9,125,000	136,940,000
NATIONAL TOTAL		1,540,000,000	6,850,812,766**

* CALENDAR YEAR 1976 HIGH THREE CONSECUTIVE MONTHS AVERAGE.
** INCLUDES $3,812,766 APPROPRIATED BY P.L. 94-266.

Signed in Washington, D.C. this 20th day of March 1978.

T. JAMES WALKER,
Acting Administrator, Administration and Management.

[FR Doc. 78-11644 Filed 4-27-78; 8:45 am]

[4510-30]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, afiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 24th day of April 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 21, 1978

Name of applicant and location of enterprise	Principal product or activity
Gold Kist Inc. (tenant of Jackson County) Campbelliton, Fla.	Soybean and grain handling facility.
Lamar Electro-Air Corp. (tenant of city of Wellington) Wellington, Kans.	Overhaul aircraft equipment.
MC, Inc., Halstead, Kans	Production of roof trusses for conventional housing and component parts for mobile homes.

[FR Doc. 78-11502 Filed 4-27-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-60-C]

OLGA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Olga Coal Co., Coalwood, W. Va., has filed a petition to modify the application of 30 CFR 75.305, to its Olga Mine, located in McDowell County, W. Va., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of Petitioner's statement is as follows:

(1) The 3 South Section of the Olga Mine is in the final retreat process, whereby barrier blocks of coal, which were left to protect main haulage roads during early development, are now being extracted.

(2) Air from the Caretta Intake Air Shaft ventilates the 3 South Section and then is exhausted at 3 South upcast. In coursing to the 3 South upcast, such air traverses areas which are no longer travelable by persons due to the deterioration of wooden headers and posts that were developed about 41 years ago for roof support. Numerous roof falls have occurred and the 3 South up-cast is no longer safely approachable from the 3 South Section.

(3) Rehabilitation of such returns would involve substantial and prolonged hazards and, in Petitioner's view, should not be attempted lest there result a serious overall diminution of safety affecting the miners in the mine, particularly those who would have to be assigned to such work.

(4) For the reasons set forth above, the Petitioner requests that the requirements of 30 CFR 75.305 be modified for the Olga Mine so that persons would not be required to enter, travel and inspect the return airways serving the 3 South Section.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before May 30, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA. 22203. Copies of the petition are available for inspection at that address.

Dated: April 24, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-11645 Filed 4-27-78; 8:45 am]

[4510-29]
[4830-01]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Proposed Amendment of Prohibited Transaction Exemption 77-9

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Proposed Amendment of Prohibited Transaction Exemption 77-9.

SUMMARY: This document contains a notice by the Department of Labor (Department) and the Internal Revenue Service (Service) (hereinafter collectively referred to as the Agencies) of proposed amendments to Prohibited Transaction Exemption 77-9, the class exemption relating to certain transaction commonly engaged in by

employee benefit plans with insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters. The Agencies are proposing these amendments in response to request from applicants because some of the conditions of Prohibited Transaction Exemption 77-9, in practice, appear to impose substantial administrative burdens on persons seeking to avail themselves of the exemption, and the Agencies believe that such burdens may be alleviated without unduly lessening the protections necessary for plans and their participants and beneficiaries. The amendments, if adopted, will affect participants and beneficiaries of employee benefit plans, sponsors of such plans and persons engaging in the transactions to which the exemption applies.

DATES: Written comments must be received by the Service on or before May 31, 1978. A public hearing with respect to the proposed amendment will be held July 20, 1978. For further information concerning this hearing, see the "Notice of Hearing with respect to Proposed Amendments and Proposed Additional Conditions to Prohibited Transaction Exemption 77-9", published elsewhere in this issue of the FEDERAL REGISTER.

ADDRESS: All written comments (at least six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention E:EP:PT:1 (Amendments to Exemption 77-9). The applications for amendment of the exemption and the comments received will be available for public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224, and at the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Bernard Colter of the Department of Labor, 202-523-8194, or Kathleen A. Bauer of the Internal Revenue Service, 202-566-6761. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Agencies are proposing to amend a class exemption published on June 24, 1977 in the FEDERAL REGISTER (42 FR 32395). The class exemption permits certain transactions which might otherwise be prohibited by the Employee Retirement Income Security Act of 1974 (the Act). The exemption relates to various common transactions engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters in connection with the sale to employee benefit plans of insurance and annuity contracts and securities issued by investment companies. On November 1, 1977, the Agencies postponed until May 1, 1978 the effective date of certain conditions of the class exemption (42 FR 57184). By notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Agencies are further postponing the effective date of these same conditions until January 1, 1979.

At the time of the November 1, 1977 postponement, the Agencies indicated their intention to propose for comment substantive amendments of the exemption, and invited interested persons to submit applications for amendment of the exemption pertaining to the conditions whose effective date was being postponed. The Agencies then received several requests to amend various aspects of the exemption. Applications for amendment were submitted by the Investment Company Institute and Investors Diversified Services, Inc. (combined as D-935); jointly by the American Council of Life Insurance, the National Association of Life Underwriters, the Association for Advanced Life Underwriting and the Prudential Insurance Co. of America, the Equitable Life Assurance Society of the United States, John Hancock Mutual Life Insurance Society, and the Connecticut General Life Insurance Co. (D-931); jointly by Marsh & McLennan Cos., Inc. and Johnson & Higgins (D-939); the American Council of Life Insurance (D-937); jointly by the Prudential Insurance Co. of America, the Equitable Life Assurance Society of the United States, John Hancock Mutual Life Insurance Co. and the Connecticut General Life Insurance Co. (D-905); and jointly by the National Association of Life Underwriters and the Association for Advanced Life Underwriting (L-958) with respect to a matter within the sole jurisdiction of the Department of Labor. The facts and representations contained in these applications and the reaction of the Agencies to them are summarized and discussed below.

NAMED FIDUCIARY

Section V(a) of Prohibited Transaction Exemption 77-9 includes a provision which limits exemptive relief to transactions not involving an insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter which is a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act). The effective date of this provision, originally scheduled for November 1, 1977, was postponed until May 1, 1978 (42 FR 57184, November 1, 1977). By notice published elsewhere in this issue of the FEDERAL REGISTER the effective date of this provision is postponed again until January 1, 1979.

Several of the applications request amendment of section V(a) of the exemption by deletion of the provision "named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act)" contained therein. The applicants represent that there are many persons who might be construed to be "named fiduciaries" under section 402(a)(2) of the Act and that, in the absence of regulations interpreting that section, persons seeking to avail themselves of the exemption are faced with great difficulty in identifying those who come within the excluded category. These applications further represent that there are many common situations where an insurance agent or broker, pension consultant, insurance company, investment company principal underwriter, or an affiliate of these persons (within the meaning of section VI(c) of the exemption) may be a named fiduciary of a plan but not have or use any authority, control, or responsibility, on behalf of the plan, to cause the plan to enter into any of the transactions described in section III (a) through (d) of the exemption. As an example of such a situation, the applicants state that many insurance companies seeking to avail themselves of the relief provided by the exemption are named fiduciaries of plans solely by reason of having the responsibility under section 503 of the Act for final review of a decision to deny a claim for benefits under such plans. The applicants argue that such situations, and others, do not present the opportunity for abuse and, because of the other protections included in the exemption, there is no justification for not extending exemptive relief to transactions involving them.

Without necessarily endorsing the representations made by the applicants, it appears to the Agencies that the exclusion of transactions with named fiduciaries from exemptive relief may create many administrative difficulties and result in unintended hardships and expense. Consequently, in view of the protections afforded to plans by the remaining conditions of the exemption, the Agencies propose to amend Prohibited Transaction Exemption 77-9 by deleting permanently from section V(a) thereof the provision "a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act)."

"SOLELY" TEST

Section V(a) of the exemption contains a provision which limits the availability of the exemption to transactions involving an insurance agent

or broker, pension consultant, insurance company, or investment company principal underwriter which is a party in interest or disqualified person with respect to the plan solely by reason of being a service provider or fiduciary (or both) (the "'soley' test"). The effective date of this provision was postponed from November 1, 1977 to May 1, 1978 (42 FR 57184, November 1, 1977). By notice published elsewhere in this issue of the FEDERAL REGISTER, the effective date of this provision is postponed again until January 1, 1979.

A number of the applications for amendment contain requests to amend section V(a) of the exemption by permanently deleting the "solely" test contained therein. These applicants represent that the interaction of the "solely" test with the affiliation definitions of section VI of the exemption makes the exemption unavailable in numerous, nonabusive situations. Among the situations described by the applicants in support of this contention are those in which an insurance company or agency seeking to avail itself of the relief provided by the exemption has an affiliate (e.g., an employee, officer or director) who is also an employee, officer, or director of a company sponsoring a plan which is purchasing insurance products from the insurance company or agency, but who is not involved in any manner in the selection or approval of the purchase of insurance products from the insurance company or agency. In such cases, the exemption would not be available to the insurance company or agency which, because of the definitions of affiliate in section VI(c) of the exemption and party in interest (in section 3(14) of the Act) and disqualified person (in section 4975(e) of the Code), would be a party in interest or disqualified person with respect to the plan for a reason in addition to that of being a service provider or fiduciary. In these situations, and others, the applicants argue that the exemption should be available because the insurance company or agency, despite having a relationship to the plan beyond that of being a service provider or fiduciary, is not in a position to select itself or have itself selected by its affiliate as the person from whom the plan would purchase the insurance product.

The applications also represent that the interaction of the "solely" test and the affiliation rules makes it very difficult for some persons seeking to avail themselves of the exemption to determine if they meet the conditions of section V(a). This is particularly common in the case of, for example, a large insurance company or agency which may have many employees, outside directors or subsidiaries. Such entities face great administrative difficulty determining whether any of its affiliates have any relationship to the plan in question which, when attributed to the insurance company or agency under the affiliation rules, precludes that insurance company or agency from meeting the "solely" test.

In response to these requests the Agencies propose to delete permanently the "solely" test from section V(a) of the exemption. However, in order to provide sufficient protection to plan participants and beneficiaries, effective for transactions described in section III (a) through (d) entered into after December 31, 1978, the agencies propose to specify under section V(a) an additional category of persons to which exemptive relief would be unavailable under this exemption, namely, an employer any of whose employees are covered by the plan.[1] Consequently, if the amendments are adopted as proposed, an insurance agent or broker, pension consultant, insurance company, investment company, or investment company principal underwriter could not meet condition V(a) of the exemption if it, or any of its affiliates (as defined in section VI of the exemption), were a trustee or a plan administrator of the plan, a fiduciary expressly authorized in writing to manage, acquire, or dispose of the assets of the plan on a discretionary basis, or an employer any of whose employees are covered by the plan.

In considering the proposed modification of the "solely" test, interested persons should also note the following with respect to the operation of the affiliation rules contained in section VI of the exemption. Section VI(c) defines an affiliate of the insurance agent or broker, pension consultant, insurance company, investment company, or principal underwriter seeking to sell an insurance product or mutual fund to the plan as:

(1) Any person directly or indirectly controlling, controlled by, or under common control with *such person;*

(2) Any officer, director, partner, employee (including, in the case of a principal underwriter, any registered representative thereof, whether or not such person is a common law employee of such principal underwriter), or relative of any *such person;* or

(3) Any corporation or partnership of which *such person* is an officer, director, partner or employee [emphasis supplied].

The term "such person" as used in this definition refers only to the person seeking to come within the protection of the exemption, i.e., the insurance agent or broker, etc. Thus, under section VI(c)(2), an officer of an insurance company is an affiliate of the insurance company, and the exemption is not available to the insurance company if either it or an affiliate of it, such as for example, its officer, is the plan administrator. The term "such person" does not purport to include within the definition of "affiliate" a person who is an affiliate of an affiliate of the insurance company, agent, or broker, etc., seeking to sell insurance or mutual funds to the plan. Thus, in the example set forth above, a relative of the officer of the insurance company is an affiliate of the officer but is not an affiliate of the insurance company. The fact that the relative of the officer was a trustee of the plan would not, in and of itself, preclude the availability of the exemption to the insurance company. The following examples illustrate the applicability of section V(a) and its interaction with the affiliation definitions.

1. An insurance agent seeking to avail himself of the relief provided by the exemption has a sister who is the plan administrator. The exemption is not available to the agent because an affiliate of the agent, the sister (see section VI(c)(2)), is the plan administrator.

2. An insurance agency has an employee-insurance agent who is the plan administrator. The exemption is not available to the employee-agent because such agent is the plan administrator. Further, the exemption is not available to the insurance agency because one of its affiliates, the employee-agent (see section VI(c)(2)), is the plan administrator.

3. An insurance company seeking to avail itself of the relief provided by the exemption has on its board of directors a person who is also on the board of directors of the corporate employer sponsoring the plan. Under section VI(c), the director is an affiliate of the insurance company but the commonality of directors does not make the corporate employer an affiliate of the insurance company. Accordingly, the insurance company could engage in a transaction described in section III of the exemption if it satisfies all of the conditions of the exemption.

4. An insurance agent is an employee of an insurance company. The agent is also the president of the corporate employer maintaining the plan. Effective for transactions entered into after December 31, 1978, the agent could not avail himself of the relief provided by the exemption because an affiliate of the agent (see section VI(c)(3) of the exemption) is the employer of employees covered by the plan.

With respect to the availability of the exemption to the insurance company after December 31, 1978, the

[1] The agencies are aware that this prohibition will prevent insurance agents or brokers from selling insurance products to their own in-house plans. However, the agencies have under consideration applications for a class exemption which deals specifically with this matter.

agencies note the following. The agent, as an employee of the insurance company, is an affiliate of the insurance company by reason of section VI(c)(2), and, as noted above, the corporate employer is an affiliate of the agent by reason of section VI(c)(3). This relationship, however, of the corporate employer's officer to the insurance company does not make the employer an affiliate of the insurance company. Under section VI(b), the term "insurance company" includes the insurance company and its affiliates, i.e., the employee-agent, but does not include affiliates of such affiliates, i.e., the corporate employer. Accordingly, the insurance company could act through another agent to effect the sale of insurance to the plan if such other agent and the company otherwise satisfy all of the conditions of the exemption.

5. Assume the same facts as in example 4. With respect to section V(b) of the exemption requiring approval by a plan fiduciary of transactions described in section III (a) through (d) of the exemption, the agencies emphasize the following:

Section V(b) states that the approving fiduciary described therein may not be the insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter involved in the transaction for the sale of insurance or mutual fund products to the plan, or any affiliate of such agent, broker, consultant insurance company, or underwriter.[2] With respect to example 4, the president of the employer, as an employee of the insurance company, is an affiliate of such company (see section VI(c)(2)). Thus, the president of the employer would not be an appropriate approving fiduciary within the meaning of section V(b) to use his authority, control, or responsibility to cause the approval of a transaction for the sale of insurance to the plan by the insurance company of which the president was an employee even though some other employee of the company were to be the agent effecting the sale.

Acknowledgements

Section V(b) of the exemption limits the availability of the exemption to transactions in which a fiduciary with respect to the plan, following receipt of the information required to be disclosed pursuant to paragraphs (c), (d), and (e) of section V, and, prior to the execution of the transaction, acknowledges in writing receipt of such information and approves the transaction on behalf of the plan. With respect to additional purchases of insurance or annuity contracts or securities issued by an investment company, section V(e) of the exemption sets forth two situations in which the disclosure to, and the accompanying acknowledgement and approval by, a fiduciary required by section V(b) are necessary in order for exemptive relief to be available.

The Agencies have received several requests to amend section V(b) of the exemption insofar as it limits availability of the exemption to circumstances in which the investment company principal underwriter is able to obtain from the approving fiduciary written acknowledgement of the receipt of the disclosure statements provided by the principal underwriter in connection with purchases of securities issued by an investment company.[3] These applications point out that there are many employee benefit plans which, after initially opening an account through a principal underwriter and initially purchasing shares issued by an investment company, thereafter invest in additional shares of that investment company under circumstances where it is difficult for the principal underwriter to establish procedures which will guarantee receipt of the requisite written acknowledgement prior to execution of a transaction. As examples of these situations, the applications state that many plans which are already shareholders of an investment company purchase additional investment company shares by mailing checks directly to the investment company at any time they desire. Other plans have established prearranged, continuous purchase procedures, while still other plans automatically purchase additional shares through the reinvestment of dividends and capital gain distributions distributed by the mutual fund. In each of these circumstances, the applications assert that the principal underwriter can readily send the required disclosure materials to the independent, approving fiduciary, but cannot rely on these fiduciaries to sign and return the written acknowledgement prior to attempting to make additional purchases and cannot know, without the adoption of burdensome administrative procedures, which fiduciaries have and have not returned the requisite acknowledgement. The applications state that the principal underwriter will be unable to obtain a written acknowledgement from every approving fiduciary both with respect to purchases made after November 1, 1977 on accounts established prior to that data and with respect to purchases made under circumstances in which acknowledgement is now required by section V(b) of the exemption pursuant to section V(e) of the exemption.[4]

After consideration of these requests, the Agencies propose to delete from the exemption its limitation to transactions with respect to which the investments company principal underwriter has obtained a written acknowledgement of the disclosure required by paragraphs (c), (d) and (e) of section V of the exemption. The written acknowledgement was required by section V(b) of the exemption in large part to provide a readily ascertainable means of determining that the disclosures on which the exemption is conditioned had been made. Because the applications indicate that it is not a suitable mechanism for accomplishing this purpose with respect to transactions engaged in by principal underwriters, the Agencies propose to abandon this condition with respect to transactions effected by principal underwriters. The proposed amendment, if adopted, would be effective for transactions described in section III (b) and (c) engaged in by principal underwriters after October 31, 1977. The Agencies emphasize that the proposed amendment, if adopted, would not affect the other provisions of section V(b) with respect to principal underwriters which limit the availability of the exemption to situations in which a fiduciary of the plan, following receipt of the information disclosed pursuant to paragraphs (c), (d) and (e) of section V, and prior to the execution of the transaction, has approved the transaction on behalf of the plan. The Agencies also emphasize that the proposed amendment, if adopted, would have no effect on the conditions of the exemption set forth in section V (b), (c), (d), and (e) with respect to insurance agents and brokers, pension consultants and insurance companies. The availability of the exemption for these persons still depends on their obtaining the acknowledgement described in section V(b). Representatives of such persons may wish to bring to the attention of the Agencies their views as to whether the relief proposed herein should be extended to transactions involving insurance or annuity contracts and the reasons therefor.

Disclosure by Insurance Companies

Section III(d) of the exemption describes a transaction for the purchase,

[2] See section VI(b) which states that the terms insurance agent or broker, pension consultant, insurance company, investment company, and principal underwriter mean such persons and any affiliates thereof.

[3] The situation described by these requests was the subject of a letter of clarification issued by the Agencies to various persons on October 31, 1977.

[4] Under the federal securities laws, every acquisition of a security issued by an investment company is a separate transaction and an "additional purchase" within the meaning of section V(e) of the exemption regardless of the number of shares already owned or the frequency of acquisitions made by a plan shareholder.

with plan assets, of an insurance or annuity contract from an insurance company. It provides an exemption, subject to the conditions of section IV and V of the exemption, for the sale of an insurance or annuity contract to an employee benefit plan by an insurance company which is a party in interest or disqualified person with respect to the plan by reason of, for example, providing services to the plan, holding assets of the plan in a separate account, or being an employer of an insurance agent who provides services to the plan. Section V(c) of the exemption requires that an insurance agent or broker, pension consultant or insurance company engaging in a transaction described in section III (a), (c) or (d) and seeking to avail itself of the relief provided by the exemption, make certain disclosures to a plan fiduciary. These disclosures are designed to alert the approving fiduciary of the potential conflict of interest of the person recommending the purchase of the insurance product.

The Agencies have received requests to amend section V(c) of the exemption insofar as it imposes a requirement of disclosure on insurance companies. The applications for amendment state that there may be situations where the insurance company whose product is sold to a plan is a party in interest with respect to the plan, but the agent, broker or consultant effecting the sale is not a fiduciary of the plan because its sales activities do not constitute investment advice. In such cases, the agent, broker or consultant effecting the sale would not be required to make the disclosures set forth in section V(c). However, as presently drafted, the exemption would require the insurance company to make the requisite disclosures because the company would be engaging in a transaction described in section III(d) of the exemption. The applications state that there is no independent reason for imposing the disclosure requirement on the insurance company in these circumstances.

After consideration of these amendment requests, the Agencies have decided to propose that the exemption be modified so that an insurance company engaging in a transaction described in section III(d) of the exemption need not make the disclosures described in section V (c), (d) or (e) in order to enjoy the exemption. While proposing to amend the exemption in this manner, the Agencies emphasize that all insurance agents and brokers and pension consultants, including agents, brokers and consultants employed by an insurance company, engaging in transactions described in either section III (a) or (c) of the exemption and seeking to avail themselves of the relief provided by the exemption, are required, under section V (c), (d) and (e) of the exemption, to make the appropriate disclosures. Of course nothing in this exemption should be construed to prevent an insurance company from itself making disclosures or from developing or distributing disclosure documents on behalf of an agent.

The following discussion pertains to matters solely within the jurisdiction of the Department of Labor pursuant to Title I of the Act. It relates to plans maintained primarily to provide benefits for a select group of management or highly compensated employees. Such plans are not qualified plans under the Code and are not within the jurisdiction of the Service. Accordingly, the Service expresses no opinion with respect to any of the matters discussed in this section.

The Department of Labor received one request to amend the exemption so that the conditions of section V would not apply with respect to any plan which is maintained by an employer primarily for the purpose of providing benefits for a select group of management or highly compensated employees, and in which benefits are provided exclusively through insurance contracts or policies, the premiums for which are paid either directly by the employer from its general assets or partially by the employer from its general assets and partially by the select group of management or highly compensated employees for whose benefit the plan is maintained, or are provided partially through such contracts or policies and partially are paid directly from the general assets of the employer. The application argues, essentially, that plans maintained primarily for the benefit of a select group of management or highly compensated employees are not in need of the protections afforded by the exemption and that compliance with the conditions of the exemption with respect to transactions involving such plans will be unnecessarily burdensome and costly.

The Department recognizes that in certain situations it may be appropriate that a class of plans, participants or beneficiaries not receive all the protection deemed necessary for other classes of plans, participants and beneficiaries. However, notwithstanding the arguments advanced by the applicant that plans for a group of select management or highly compensated employees are not in need of the protections afforded by the exemption, the Department has not been pursuaded that the protections of the exemption are not necessary.

Accordingly, the Department has determined not to propose this requested amendment to the exemption.

Proposed Amendments

Based upon the requests for amendment of the exemption referred to above, the Agencies have under consideration the adoption of the following amendments to Prohibited Transaction Exemption 77-9 pursuant to the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

It is proposed to amend section V(a) of the exemption to delete permanently the following language contained therein:

"is a party in interest or disqualified person solely by reason of being a service provider or fiduciary (or both) with respect to the plan, but" and "a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act.)"

and to add in the appropriate place therein the following language:

"for transactions described in section III(a) through (d) entered into after December 31, 1978, an employer any of whose employees are covered by the plan."

Section V(a) as amended, would read as follows:

"The insurance agent or broker, pension consultant, insurance company or investment company principal underwriter is not a trustee of the plan, a plan administrator (within the meaning of section 3(16)(A) of the Act and section 414(g) of the Code), a fiduciary who is expressly authorized in writing to manage, acquire, or dispose of the assets of the plan on a discretionary basis, or for transactions described in sectin III(a) through (d) entered into after December 31, 1978, an employer any of whose employees are covered by the plan."

It is proposed to amend section V(b) of the exemption by adding, effective November 1, 1977, a new sentence, immediately following the first sentence in that section, as follows:

"However, the acknowledgement described above is not a condition of this exemption applicable to transactions engaged in by an investment company principal underwriter."

It is proposed to amend section V(c) of the exemption by deleting, effective November 1, 1977, the term "insurance company" which appears in the second line of section V(c) in the third column on page 32398 of the June 24, 1977 Federal Register.

Signed at Washington, D.C., this 24th day of April 1978.

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

Ted R. Kern,
Acting Assistant Commissioner, Employee Plans and Exempt Organizations, Internal Revenue Service.

[FR Doc. 78-11799 Filed 4-27-78; 9:51 am]

[4510-29]
[4830-01]

EMPLOYEE BENEFIT PLANS

Proposed Amendments and Proposed Additional Conditions to Prohibited Transaction Exemption 77-9; Hearing

By notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Internal Revenue Service and the Department of Labor (the Agencies) have announced a proposal to amend Prohibited Transaction Exemption 77-9 (the exemption), a class exemption relating to transactions commonly engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies and investment company principal underwriters. Also appearing elsewhere in this issue of the FEDERAL REGISTER the Agencies have announced the postponement of the effective date of certain conditions contained in the exemption from May 1, 1978 to January 1, 1979.

In addition, by notice published in the FEDERAL REGISTER (42 FR 32399) on June 24, 1977, the Agencies announced a proposal to impose two additional conditions on Prohibited Transaction Exemption 77-9 which would restrict the scope of the exemption to transactions entered into on behalf of employee benefit plans with less than 100 active participants at the time of the transaction and would require the disclosure of additional information with respect to such transactions.

The proposed additional conditions, if adopted, would be applicable only to transactions occurring after December 31, 1978. Interested persons were invited to submit comments on these conditions on or before October 31, 1977. In response to this invitation a substantial number of comments was received by the Agencies. The overwhelming majority of comments regarding the 100-participant limitation strongly opposed the imposition of any condition which would bar exemptive relief to transactions involving a plan with more than a certain number of active participants. The comments generally pointed out that any such limitation would be administratively infeasible, since the number of plan participants fluctuates and a redetermination of the number of participants would have to be made with each transaction. The comments further argue that imposition of such a limitation would not materially enhance the protections afforded plans by the exemption. The Agencies have carefully considered the arguments contained in the written comments opposing the imposition of the 100-participant limitation and believe that, based on the record to date, a cogent case has been made for not adopting that condition.

A public hearing on the proposed amendments and the proposed additional conditions to Prohibited Transaction Exemption 77-9 will be held on July 20, 1978 beginning at 9:30 a.m. in the Internal Revenue Service Auditorium, Seventh Floor, 7100 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. If additional time is necessary, the hearing will be continued on July 21, 1978 at 9:30 a.m.

Any interested person who desires to present oral comments at the hearing and who wishes to be assured of being heard should submit a statement to that effect, an outline of the topics he/she wishes to discuss, and the amount of time she/he wishes to speak by 3:30 p.m. on June 30, 1978. The statement and outline should be submitted to the Employee Plans Prohibited Transactions Staff, E:EP:PT, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: PTE 77-9 Hearing. An agenda will then be prepared containing the order of presentation of oral comments and the time allotted to each commentator. Ordinarily, no more than 10 minutes will be allotted to each person for making oral comments. In light of the arguments already presented in the written comments, the Agencies believe that extensive testimony opposing the 100-participant limitation is probably unnecessary. Information with respect to the contents of the agenda may be obtained on or after July 13, 1978 by telephoning Kathleen A. Bauer, Washington, D.C. 202-566-6761. (This is not a toll free number.)

At the conclusion of the presentation of oral comments by persons listed in the agenda, to the extent time permits, other persons will be permitted to make oral comments. The public hearing will be transcribed. Persons making oral comments should be prepared to answer questions relating to the pending amendments and additional conditions as well as questions relating to their comments.

Signed at Washington, D.C., this 24th day of April 1978.

TED R. KERN,
Acting Assistant Commissioner, Employee Plans and Exempt Organizations, Internal Revenue Service U.S. Department of Treasury.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-11797 Filed 4-27-78; 9:51 am]

[4510-29]
[4830-01]

EMPLOYEE BENEFIT PLANS

Postponement of Effective Date of Certain Conditions Contained in Prohibited Transaction Exemption 77-9

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Postponement of effectiveness of certain conditions of a class exemption.

SUMMARY: This document postpones from May 1, 1978, to January 1, 1979, the effective date of certain conditions contained in prohibited transaction exemption 77-9 (the exemption), the class exemption relating to transactions commonly engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters. This action, which will affect participants and beneficiaries of employee benefit plans, sponsors of such plans and persons engaging in the transactions to which the exemption is applicable, is being taken by the Internal Revenue Service and the Department of Labor (the agencies) to provide the agencies with sufficient time to consider certain amendments to the exemption which, if adopted, would eliminate the postponed conditions.

DATE: The postponement is effective May 1, 1978, and delays the effective date of the specified conditions until January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Ms. Kathleen A. Bauer, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT, 202-566-6761; Mr. Bernard Colter, 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, 202-523-8194 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: On June 24, 1977 (42 FR 32395), the agencies announced the granting of prohibited transaction exemption 77-9, a class exemption relating to transactions commonly engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters. The exemption contained certain conditions which were to go into effect on November 1, 1977. Among those conditions were the requirements that the person seeking to use the exemption be a party in interest or disqualified

person in relation to the employee benefit plan in question solely by reason of being a service provider or fiduciary (or both) ("the 'solely' test") and not be a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act).

By notice published November 1, 1977 (42 FR 57184), the agencies announced that the effective date of the "solely" test and named fiduciary exclusion was postponed from November 1, 1977, to May 1, 1978. The agencies also invited interested persons to submit applications for amendment of the exemption. In response to such invitation the agencies received a number of applications requesting changes in various terms and conditions of the exemption. The agencies have carefully considered these requests and by notice published elsewhere in this issue have announced a proposal to amend the exemption.

The amendments proposed by the agencies, if adopted, will permanently delete the solely test and the named fiduciary exclusion from the conditions of the exemption. In order to allow sufficient time for comments from interested parties and for a public hearing regarding the proposed changes, and for the agencies to consider carefully the comments and testimony which will be received, the agencies have determined that it is appropriate to further delay the effective date of these conditions until January 1, 1979. This action is being taken by the agencies on the basis of the entire record developed with respect to the exemption, including the applications for amendments, and without opportunity for further public comment or hearing. In taking this action, the agencies believe that the efficacy of the other conditions of the exemption which became effective on November 1, 1977, have not been and will not be impaired.

For the reasons stated above, the agencies have determined that, notwithstanding the requirements of section II of prohibited transaction exemption 77-9, the provision "is a party in interest or disqualified person solely by reason of being a service provider or fiduciary (or both) with respect to the plan, but" and the term "a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act)," contained in section V(a) of the exemption, are omitted with respect to any transaction described in section III of the exemption entered into before January 1, 1979.

Signed at Washington, D.C., this 24th day of April 1978.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

TED R. KERN,
Acting Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

[FR Doc. 78-11798 Filed 4-27-78; 9:51 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 ——.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than ——.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allegheny-Ludlum Steel Corp. (USWA).	Wallingford, Conn	Mar. 24, 1978	Mar. 21, 1978	TA-W-3,461	Cold rolled stainless steel strip and welded tubing.
Blair Footwear, Inc. (workers).	Altoona, Pa	do	do	TA-W-3,462	Women's dress and casual shoes.
Cadbury Corp. (AFEU)	Hazleton, Pa	Mar. 27, 1978	Mar. 27, 1978	TA-W-3,463	Solid chocolate candy bars.
Donner-Hanna Coke Corp. (USWA).	Buffalo, N.Y	Mar. 20, 1978	Feb. 20, 1978	TA-W-3,464	Coke and coke byproducts.
Eagle Clothes, Inc. (workers)	Brooklyn, N.Y	Jan. 24, 1978	Jan. 19, 1978	TA-W-3,465	Men's suits, coats, sport coats, and pants.
Do	New York, N.Y	do	do	TA-W-3,466	Do.
L & S Fashions (workers)	Amityville, N.Y	Mar. 27, 1978	Mar. 21, 1978	TA-W-3,467	Ladies' coats.
McClure Steel Manufacturing (company).	Blairsville, Ga	do	Mar. 23, 1978	TA-W-3,468	Wrought iron items.
Pacific States Steel Corp. (USWA).	Union City, Calif	Mar. 21, 1978	Mar. 20, 1978	TA-W-3,469	Structural shapes are produced from scrap metals.
Republic Steel Corp. (USWA).	Massillon, Ohio	Mar. 24, 1978	Mar. 21, 1978	TA-W-3,470	Stainless and specialty steel products.
Summerfield Industries, Inc. (Raeford Chamber of Commerce).	Raeford, N.C	do	Mar. 20, 1978	TA-W-3,471	Double knit polyester fabrics for men and women's wear and home sewing markets.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
United Merchants & Manufacturers, Shelby Mills Plant (workers)	Shelby, N.C	Mar. 23, 1978	do	TA-W-3,472	Spun-type material used in the apparel trade.

[FR Doc. 78-11646 Filed 4-27-78; 8:45 am]

[4510-28]

[TA-W-2609]

BRIDON AMERICAN CORP., MUNCEY, PA.

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-2609: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 15, 1977 in response to a worker petition received on November 7, 1977 which was filed on behalf of workers and former workers producing wire rope and wire rope products at the Muncey, Pa. plant of Bridon American Corp.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1557). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bridon American Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Imports of wire rope and cable in terms of quantity increased from 52 thousand tons in 1973 to 71.9 thousand tons in 1974, decreased to 70.2 thousand tons in 1975 then decreased to 67.7 thousand tons in 1976 before increasing 40 percent to 94.8 thousand tons in 1977. The ratio of imports to domestic shipments increased from 38 percent in 1974 to 44.6 percent in 1975, then increased to 55.6 percent in 1977.

A survey of customers who purchased wire rope and wire rope products from Bridon American Corp. revealed that many of these customers shifted purchases of wire rope from the subject firm to foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with wire rope and wire rope products produced by the Muncey, Pa. plant of Bridon American Corp. contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Muncey, Pa. plant of Bridon American Corp. who became totally or partially separated from employment on or after October 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-11647 Filed 4-27-78; 8:45 am]

[4510-28]

[TA-W-2653]

CRANSTON PRINT WORKS QUALITEX DIVISION NEW YORK, N.Y.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2653: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977 in response to a worker petition received on November 14, 1977 which was filed on behalf of workers and former workers producing printed fabrics at Cranston Print Works, New York, N.Y. The investigation revealed that the petitioning facility was the Qualitex Division of Cranston Print Works.

The Notice of Investigation was published in the FEDERAL REGISTER on December 6, 1977, (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Qualitex Division of Cranston Print Works, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Textile Manufacturers Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Aggregate imports of all finished fabric declined from 611 million square yards in 1973 to 415 million square yards in 1974 and 408 million square yards in 1975. Imports increased 14 percent from 1975 to 1976, to 464 million square yards. Imports were 344 million square yards for the first nine months of 1977, an increase of 0.3 percent over the 343 million square yards for the first nine months of 1976. The ratios of imports to domestic production and consumption increased from 1.6 percent, for both, in 1975 to 1.8 percent, for both, in 1976.

Customers of the Qualitex Division are manufacturers of men's shirts and sleepwear. A survey of customers revealed that customers reduced purchases from Qualitex and increased purchases of imported finished fabric in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with finished fabric produced by Cranston Print Works, Qualitex Division, New York, N.Y. contributed importantly to the total or partial separations of the workers and to the decline in sales at that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers at Cranston Print Works, Qualitex Division, New York, N.Y. who became totally or partially separated from employment on or after October 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 14th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-11648 Filed 4-27-78; 8:45 am]

[4510-28]

[TA-W-2573]

JOSEPH R. PALMA, INC., HAMMONTON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2573: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1977, in response to a worker petition received on October 31, 1977, which was filed on behalf of workers and former workers producing ladies' dresses and sportswear at Joseph R. Palma, Inc., Hammonton, N.J.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59584). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Joseph R. Palma, Inc., its manufacturers and their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

INCREASED IMPORTS

United States imports of women's, misses' and children's slacks and shorts increased to 11,040 thousand dozen in 1976, from 10,067 thousand dozen in 1975, and increased to 9,080 thousand dozen in the first nine months of 1977 compared to 8,549 thousand dozen for the same period in 1976. The ratio of imports to domestic production increased from 35.2 percent in 1975 to 36.4 percent in 1976.

United States imports of women's, misses' and children's blouses and shirts increased to 30,273 thousand dozen in 1976, from 26,113 thousand dozen in 1975, and increased 24,036 thousand dozen in the first nine months of 1977 compared to 24,016 thousand dozen for the same period in 1976. The imports to domestic production ratio increased from 70.4 percent in 1975 to 74.8 percent in 1976.

United States imports of women's, misses' and children's coats and jackets increased to 2,252 thousand dozen in 1976, from 1,517 thousand dozen in 1975, and increased to 2,081 thousand dozen in the first nine months of 1977 compared to 1,680 thousand dozen for the same period in 1976. The imports to domestic production ratio increased from 38.9 percent in 1975 to 57.5 percent in 1976.

United States imports of women's, misses' and children's skirts increased to 791 thousand dozen in 1976 from 517 thousand dozen in 1975, and decreased to 442 thousand dozen in the first nine months of 1977 compared to 690 thousand dozen in the same period in 1976. The imports to domestic production ratio increased from 10.8 percent in 1975 to 11.2 percent in 1976.

United States imports of women's, misses' and children's dresses decreased to 1,614 thousand dozen in 1976 from 1,655 thousand dozen in 1975, and decreased to 1,077 thousand dozen in the first nine months of 1977 compared to 1,273 thousand dozen for the same period in 1976. The ratio of imports to domestic production decreased from 8.0 percent in 1975 to 7.9 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of Joseph R. Palma's major manufacturer revealed that the manufacturer decreased orders to Joseph R. Palma, Inc. in 1977. Since that manufacturer's sales had declined in 1976 and 1977, a secondary survey was conducted which revealed that customers representing a substantial proportion of that manufacturer's sales increased imports of ladies' sportswear while decreasing purchases from that manufacturer in 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' sportswear produced by Joseph R., Palma, Inc., Hammonton, N.J. contributed importantly to the declines in production and to separations of workers of that firm. In accordance with the provision of the Act, I make the following certification:

All workers of Joseph R. Palma, Inc., Hammonton, N.J. who became totally or partially separated from employment on or after November 7, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc 78-11649 Filed 4-27-78; 8:45 am]

[4510-28]

[TA-W-2926]

McKEESPORT CONNECTING RAILROAD, McKEESPORT, PA.

Notice of Termination of Investigation; Correction

In FEDERAL REGISTER Doc. 78-5701 appearing on page 8866 in the FEDERAL REGISTER of March 3, 1978, the 2nd column, 2nd paragraph should be corrected to read as follows:

During the course of the investigation, it was established that all workers at the National Tube Works of U.S. Steel Corporation were previously certified eligible to apply for adjustment assistance on June 9, 1977 (See TA-W-1444). The McKeesport Connecting Railroad is an autonomously operated and a wholly-owned subsidiary of U.S. Steel Corporation and provides rail services to the National Tube Works. Solely for purposes of Title II, Chapter 2 of the Trade Act of 1974, the petitioning workers can be considered on the same basis as the employees of the National Tube Works and are thus covered under the existing certification.

Signed at Washington, D.C. this 10th day of April 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-11650 Filed 4-27-78; 8:45 am]

[4510-28]

[TA-W-3342]

ROBERT HALL MANUFACTURING CO., BROOKLYN, N.Y.

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 9, 1978, in response to a worker petition received on February 6, 1978, which was filed by the Amalgamated Clothing & Textile Workers Union on January 31, 1978 on behalf of workers and former workers producing men's pants at the Pants Department of Robert Hall Manufacturing Co., Brooklyn, N.Y.

Notice of investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12400). No public hearing was requested and none was held.

On January 17, 1976, the Department issued a certification of eligibility to apply for adjustment assistance for all workers engaged in employment related to the production of men's suits and sportcoats at Robert Hall Manufacturing Co., Inc., Brooklyn, N.Y. (TA-W-297). All workers separated from employment at Robert Hall on or after October 3, 1974 (impact date), and before January 17, 1978 (expiration date of the certification), would have been covered under TA-W-297.

Since all employees were separated in October 1976 during the existence of an active certification; a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 20th day of April 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-11651 Filed 4-27-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO., ARKANSAS NUCLEAR ONE—UNIT NO. 1

Order for Modification of License

I

The Arkansas Power & Light Co. (the licensee), is the holder of Facility Operating License No. DPR-51 which authorizes the operation of the nuclear power reactor known as Arkansas Nuclear One—Unit No. 1 (the facility) at steady reactor power levels not in excess of 2568 megawatts thermal (rated power). The facility consists of a Babcock & Wilcox Co. designed pressurized reactor (PWR) located at the licensee's site in Pope County, Ark.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46, the licensee submitted on July 9, 1975, an ECCS evaluation for the facility. The ECCS performance submitted by the licensee was based upon an ECCS Evaluation Model developed by the Babcock & Wilcox Co. (B&W), the designer of the Nuclear Steam Supply System for this facility. The B&W ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On April 12, 1978, B&W informed the NRC that it had determined that in the event of a small break LOCA on the discharge side of a reactor coolant pump, high pressure injection (HPI) flow to the core could be reduced somewhat. Subsequent calculations indicated that in such a case the calculated peak clad temperature might exceed 2,200 F.

Previous small break analyses for B&W 177 fuel assembly (FA) lowered loop plants had identified the limiting small break to be in the suction line of the reactor coolant pump. For this assumed break location all high pressure ECCS flow injected into the system would add to the reactor coolant inventory once the coolant level decreased to the height of the reactor vessel nozzles. Recently, B&W concluded that previous analyses did not consider that some of the high pressure injection (HPI) flow would be lost if the break were located in the discharge line. As a result, recent analyses have shown that the discharge line break is more limiting than the suction line break.

The Arkansas Nuclear One—Unit No. 1 plant has an ECCS configuration which consists of two high pressure injection (HPI) trains. Each train has a HPI pump and the train injects into two of the four reactor coolant system (RCS) cold legs on the discharge side of the RCS pump. (There is also a third HPI pump installed.) The two parallel HPI trains are connected but are kept isolated by manual valves (known as the cross-over valves) that are normally closed. Upon receiving a safety injection signal the HPI pumps are started and valves in the four injection lines are opened. Assuming loss of offsite power and the worst single failure (failure of diesel to start) only one HPI pump would be available and two of the four injection valves would fail to open.

If a small break is postulated to occur in the RCS piping between the RCS pump discharge and the reactor vessel, the high pressure injection flow injected into this line (about half of the output of one high pressure pump) could flow out the break. Therefore, for the worst combination of break location and single failure, only one-half of the flow rate of a single high pressure ECCS pump would contribute to maintaining the coolant inventory in the reactor vessel. This situation had not been previously analyzed and B&W had indicated that the limits specified in 10 CFR 50.46 may be exceeded.

B&W has stated that they have analyzed a spectrum of small breaks in the pump discharge line and have determined that to meet the limits of 10 CFR 50.46, operator action is required to open the two manual operated crossover valves and to manually align the two motor driven isolation valves which had failed to open. This would allow the flow from the one HPI pump to feed all four reactor coolant legs. B&W has assumed that 30 percent of the flow would be lost through the break and 70 percent would refill the core. The licensee has committed to provide for the necessary operator actions within the required time frame. That is, in the event of a small break and a limiting single failure, manual action will be taken to begin opening these valves within five minutes and have them fully opened and an adequate flow split obtained within 10 minutes. The analyses performed by B&W assumed that the flow split was established at 650 seconds by operator action. We conclude that the analyses are a reasonable approximation of the operator action that actually will be taken, provided specific procedures are prepared and followed to assure such action.

B&W has stated that a 0.1 ft.^{2} discharge line break, with the aforementioned operator actions, is the most limiting case. To arrive at this conclusion, B&W has performed analyses at break sizes of 0.5, 0.2, 0.1, and 0.04 ft.^{2}, with and without the assumed operator action. The results for a power of 2568 Mwt, which were obtained using an approved Appendix K model for blowdown, indicate core uncovery for about 250 seconds for the 0.1 ft.^{2} limiting break. For this break size B&W has conservatively estimated the peak clad temperature to be approximately 1,200 F; well below the limits of 10 CFR 50.46(b).

B&W has indicated the manner in which the calculational methods have been revised and has indicated that their revised calculations are wholly in conformance with the requirements of 10 CFR 50.46. However, B&W has not yet had the opportunity to fully present the result of its calculations to the licensee for submittal to the NRC staff, and the staff has accordingly not had the opportunity to fully assess the new calculations. Until the licensee and the staff have an opportunity to review the B&W revised calculations, the staff has recommended and the licensee has agreed, that operating conditions be limited to a range in which ECCS performance for small break conditions is less sensitive to specific calculation inputs.

For this facility, with operation up to 2311 Mwt, ECCS performance calculations for the limiting small break does not even result in core uncovering, if appropriate operator action is properly taken (as described above), thus providing a very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b).

Therefore, until the staff has had the opportunity to fully assess the B&W revised calculations, operation of the facility at the power level specified in this Order, and in accordance with the operating procedures specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the

public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide the staff with B&W's reevaluation of ECCS performance applicable to the licensee's facility as promptly as possible, to limit operation as specified herein, and to submit a technical specification requiring appropriate operating procedures to assure required operator action as discussed herein. Such procedures were described and the commitments confirmed by the licensee's letter of April 17, 1978, supplemented by letters dated April 21, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order. Upon satisfactory completion of our assessment of the revised evaluation, we will accordingly modify the authorization to operate the facility.

IV

Copies of the following document are available for inspection at the Commission's Public document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Arkansas Polytechnic College, Russellville, Ark.

(1) Letters from Mr. Donald A. Rueter to Mr., R. W. Reid, Chief Operating Reactors Branch No. 4, dated April 17 and 21, 1978, and from Mr. Daniel H. Williams to Mr. R. W. Reid dated April 21, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-51 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation wholly in conformance with 10 CFR 50.46 of ECCS cooling performance calculated in accordance with the B&W Evaluation Model for operation with operating procedures described in its letters of April 17, 1978, and April 21, 1978,

(2) Until further authorization by the Commission, the power level shall not exceed 2311 Mwt, and

(3) Until further authorization by the Commission, the licensee shall operate in accordance with the procedures described in its letter of April 17, 1978, supplemented by letters dated April 21, 1978.

Dated at Bethesda, Md., this 21st day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-11586 Filed 4-27-78; 8:45 am]

[7590-01]

[Docket No. 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-30, issued to the Commonwealth Edison Co. (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Co.), which revised Technical Specifications for operation of the Quad Cities Station Unit 2 (the facility) located in Rock Island County, Ill. The amendment is effective as of the date of issuance.

This amendment extends the allowable period of reactor operation with Loop 2A of the Containment Cooling Mode of the RHR System inoperable for 7 days beyond April 24, 1978 provided that a visual inspection is performed daily to assure that proper valve alignment and system integrity is maintained in the "B" RHR loop.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 18, 1978, (2) Amendment No. 34 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Ill. 61265. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st day of April 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-11587 Filed 4-27-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

METROPOLITAN EDISON CO. ET AL.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

In the matter of Metropolitan Edison Co., Jersey Central Power & Light Co. and Pennsylvania Electric Co.

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Metropolitan Edison Co. The relief relates to the inservice testing program for the Three Mile Island Nuclear Station, Unit 2 (the facility), located in Dauphin County, Pa. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

Relief is granted until the start of commercial operation from compliance with certain inservice testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the letter from the Metropolitan Edison Co. dated January 3, 1978, and (2) the Commission's letter to the Metropolitan Edison Co. dated April 21, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

Dated at Bethesda, Md., this 21st day of April 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc. 78-11588 Filed 4-27-78; 8:45 am]

[7590-01]

PETITIONS FOR RULE MAKING

Issuance of Quarterly Report

The Nuclear Regulatory Commission has issued the March 31, 1978, quarterly report on petitions for rule making. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rule making that are pending final action.

A copy of this report, designated NRC Petitions for Rule Making Pending Final Action as of March 31, 1978, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Requests for single copies of this report, or requests to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 21st day of April 1978.

For the Nuclear Regulatory Commission.

JOSEPH M. FELTON,
Director, Division of Rules and Records, Office of Administration.

[FR Doc. 78-11590 Filed 4-27-78; 8:45 am]

[7590-01]

[Docket No. 50-594]

WESTINGHOUSE ELECTRIC CORP.

Application for Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corp., Pittsburgh, Pa., has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of two pressurized water reactors with a thermal power level of 2,785 megawatts each to the Republic of Korea and that the issuance of this license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that the export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in the Act and the Commission's regulations.

Unless on or before May 30, 1978, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corp. a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 20th day of April 1978.

MICHAEL A. GUHIN,
Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc. 78-11589 Filed 4-27-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meeting which have been postponed or cancelled since the last list of proposed meetings published in the FEDERAL REGISTER on March 23, 1978. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m., and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published approximately 15 days prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1978 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee, telephone 202-634-1374, Attn: Mary E. Vanderholt, between 8:15 a.m. and 5 p.m., e.s.t.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Maine Yankee Atomic Power Station,* May 2, 1978, Washington, D.C. The Subcommittee will review the request of the Maine Yankee Atomic Power Corp. for a power level increase for this Station. Notice of this meeting was published in the FEDERAL REGISTER on April 17, 1978.

**Resolution of Generic Items,* May 3, 1978. Postponed indefinitely.

**Regulatory Activities,* May 3, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations. Notice of this meeting was published in the FEDERAL REGISTER on April 18, 1978.

**Siting Evaluation,* May 3, 1978, Washington, D.C. The Subcommittee will discuss with the NRC Staff the consequence model CRAC and its use in risk assessment of reactor sites. (The CRAC model is used to calculate offsite consequences from potential reactor accidents involving large atmospheric releases of radioactive materials.)

**New England Power Nuclear Project, Units 1 and 2,* May 17-18, 1978 (rescheduled from April 20, 1978. Postponed Indefinitely.

**Diablo Canyon Nuclear Power Station,* May 17, 1978. Postponed to May 24-25, 1978.

*Davis Besse Nuclear Power Station, Units 2 and 3, May 18, 1978, Washington, D.C. The Subcommittee will review the application of the Toledo Edison Co. for a permit to construct Units 2 and 3 of this station.

*Vermont Yankee Nuclear Power Station, May 19, 1978, Vernon, Vt. The Subcommittee will review the operating history and fuel performance of this Station.

*Fluid/Hydraulic Dynamic Effects, May 23, 1978, Chicago, Ill. The Subcommittee will discuss items related to the Mark I, II, and III Containment Systems.

*Diablo Canyon Nuclear Power Station, May 24-25, 1978 (rescheduled from May 17, 1978), Washington, D.C. The Subcommittee will continue its review of the Pacific Gas and Electric Co.'s applications for operating licenses for Units 1 and 2 of this Station.

*Anticipated Transients Without Scram (ATWS), May 26, 1978, Washington, D.C. The Working Group will discuss various issues pertaining to anticipated transients during reactor operations that might take place without the occurrence of reactor scram.

*Regulatory Activities, May 31, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

*Siting Evaluation, June 16, 1978, Washington, D.C. The Subcommittee will discuss the NRC report entitled, "Early Site Reviews for Nuclear Power Facilities—Procedures and Possible Technical Review Options," NUREG-0180 Draft Revision dated February 1978.

*Allens Creek Nuclear Generating Station, Unit 1, June 22, 1978, Houston, Tex. The Subcommittee will continue its review of the application of the Houston Lighting & Power Co. for a permit to construct Unit Number 1 of this Station.

Naval Reactors/Naval Operations, June 28, 1978, Schenectady, N.Y. The Subcommittee will review the request of the Division of Naval Reactors, Department of Energy, to operate the S8G reactor prototype located at Knolls Atomic Power Laboratory.

*Regulatory Activities, July 5, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

*Erie Nuclear Power Plant, Units 1 and 2, July 17-18, 1978, Sandusky, Ohio. The Subcommittee will review the application of the Ohio Edison Co. for a permit to construct Units 1 and 2 of this Plant.

*Hypothetical Core Disruptive Accident for Fast Reactors (HCDA), July 27-28, 1978, Los Alamos, N. Mex. The Working Group will discuss the goals and accomplishments of the SIMMER Program and the capability of the SIMMER Code to model a hypothetical core disruptive accident.

ACRS FULL COMMITTEE MEETINGS

MAY 4-6, 1978

A. *Indian Point Nuclear Generating Station, Unit No. 3—Operating License Review

B. *Maine Yankee Atomic Power Station—Review request for a power level increase.

JUNE 1-3, 1978

Agenda to be announced.

JULY 6-8, 1978

Agenda to be announced.

Dated: April 25, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-11748 Filed 4-27-78; 8:45 am]

[7590-01]

[Docket No. 40-8602]

UNITED NUCLEAR CORP.

Availability of Draft Environmental Statement for Morton Ranch, Wyoming, Uranium Mill

Notice is hereby given that a draft environmental statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the proposed Morton Ranch uranium mill to be located in Converse County, Wyo., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. The draft statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001. Requests for copies of the draft environmental statement (identified as NUREG-0439) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information and Document Control.

The applicant's environmental report, as supplemented, submitted by United Nuclear Corp. is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's environmental report was published in the FEDERAL REGISTER on June 23, 1977 (42 FR 31848).

Interested persons may submit comments on the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain these documents upon request). Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Comments are due by June 12, 1978. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the draft environmental statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Md., this 18th day of April 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-11356 Filed 4-27-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of request for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 24, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Bicycle Tires and Tubes: Importers' Questionnaire and Purchasers' Questionnaire, single time, 66 importers and purchasers of bicycle tires and tubes, C. Louis Kincannon, 395-3211.

DEPARTMENT OF ENERGY

Market Research/Evaluation Survey Form for Energy Cost of Ownership Demonstration Program, Phase II, single time, 4800 owners of single family dwellings in 6 demonstration cities, C. Louis Kincannon, 395-3211.

Client Response Postcard, single time, 13000 State extension service client, Clearance Office, 395-3772.

U.S. CIVIL SERVICE COMMISSION

Personnel Research Questionnaire 78-6, CSC-1339, on occasion, 100,000 applicants for special emphasis program, Clearance Office, 395-3772.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Cooperatives Questionnaire on Cooperative Freight Bill Auditing, single time, 406 farmer cooperatives, Ellett, C.A., Strasser, A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Status and Impact of Bilingual Vocational Training, OE-586-1, 2, 3, 4, single time, 1308 vocational staff adult trainees, Human Resources Division, Laverne V. Collins, 395-3532.

Office of the Secretary, an interim evaluation of section 504 implementation, OS-4-78, single time, 8000 HEW service providers, Human Resources Division, Laverne V. Collins, 395-3532.

Office of Education, Field Test for Emergency School Aid Act Supported Intergroup Relation Activities, OE-561, 3, 4, 6, single time, 1080 school coordinators, principals, teachers, students, Laverne V. Collins, Office of Federal Statistical Policy and Standard, 395-3214.

Alcohol, Drug Abuse and Mental Health Administration, Survey of Occupational Conditions and Drinking Patterns, single time, 1600 employed persons in Detroit SMSA, Office of Federal Statistical Policy and Standard, 673-7959.

Office of Education, Financial Status and Performance Reports for College Library Resources, Library Training, and Equipment and Materials, OE-606, annually, 3000 institutions of higher education, Budget Review Division, 395-4775.

Food and Drug Administration, Communication of Brief Summary Information in Prescription Drug Advertising, single time, 500 Physicians in three SMSA's, Richard Eisinger, 395-3214.

Health Care Financing Administration (Medicaid), Survey of Home Health Services, HCFA-45T, 46T, single time, 49 state medicaid agencies, Richard Eisinger, Human Resources Division, 395-3214.

Public Health Service, Four Step Recognition Process for Regional Associations of Blood Service Units, single time, 116 blood service units, Richard Eisinger, 395-3214.

DEPARTMENT OF LABOR

Bureau of Labor Statistics Current Consumer Expenditure Survey, weekly, 1600 households, Office of Federal Statistical Policy and Standard, 673-7959.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Special Supplemental Food Program for Women, Infants, and Children, FNS-283, on occasion, local health or welfare agencies who serve migrant farmworkers, 1,600,724 responses, 267,820 hours, Human Resources Division, 395-3532.

EXTENSIONS

DEPARTMENT OF COMMERCE

Industry and Trade Administration, Technical Specifications for the Export of Electronic Computers and Related Equipment, EAR 376.10, DIB-6031P, on occasion, 1,200 responses, 1,800 hours, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Representative Payee Report (Closeout Statement), SSA-624B, on occasion, 8,000 responses, 4,000 Hours, Reese B. F., 395-3211.

Food and Drug Administration:

Application for Exemption for Repacking, FD-1678, on occasion antibiotic manufacturers, 100 responses, 50 hours, Richard Eisinger 395-3214.

Request for Supplemental Certification of a Batch of an Antibiotic Drug, FD-1679, monthly, antibiotic manufacturers, 250 responses, 125 hours, Richard Eisinger 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Notice of Termination of Assistance Payment Contract, HUD-93114, on occasion, 60,000 responses, 15,000 hours, Clearance Office, 395-3772.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-11743 Filed 4-27-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20511; 70-6146]

ALABAMA POWER CO.

Proposal To Enter Into Installment Sales Agreements in Connection With the Issuance of Pollution Control Revenue Bonds and Environmental Improvement Revenue Bonds

APRIL 21, 1978.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35291, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed with this Commission an amendment to the declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a) and 12(d) of the Act and Rule 44(b)(3) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration for a complete statement of the proposed transaction.

The filing relates to Alabama's proposal for its disposition and acquisition of pollution control facilities for use in connection with its Farley Nuclear Plant (the "Plant") located in Houston County, Ala. By agreement dated March 4, 1974, between The Industrial Development Board of the Town of Columbia, Ala. (the "Board") and Alabama, the Board will issue its pollution control revenue bonds and environmental quality revenue bonds for paying the cost of the construction and equipping of the pollution control facilities at the Plant (the "Project"). Alabama proposes to enter into two Installment Sale Agreements ("Agreements") with the Board which will provide for the acquisition and completion of the Project by the Board and the issuance by the Board of its pollution control revenue bonds and environmental improvement revenue bonds (the "Revenue Bonds") to cover a portion of the cost of construction of the Project. Notice of the proposed transactions was given by this Commission on April 7, 1978 (HCAR No. 20489). By amendment to the filing, Alabama has changed the maximum aggregate principal amount of the Revenue Bonds proposed to be issued from $2,000,000 to $3,000,000. In all other respects, the declaration remains unchanged.

Notice is further given that any interested person may, not later than May 15, 1978, request in writing that a hearing be held on such declaration stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11520 Filed 4-27-78; 8:45 am]

[8010-01]

[FILE NO. 1-1512]

CORROON & BLACK CORP.

Common Stock, Par Value $0.25 Per Share; Application to Withdraw From Listing and Registration

APRIL 24, 1978.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securites Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. (Amex).

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Corroon & Black Corp. (the "Company") has been listed for trading on the Amex since May 10, 1933. On July 18, 1977 the stock was also listed for trading on the New York Stock Exchange, Inc. (NYSE) and concurrently therewith, such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for such stock.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before May 19, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 78-11521 Filed 4-27-78; 8:45 am]

[8010-01]

[Rel. No. 20513; 70-6151]

GENERAL PUBLIC UTILITIES CORP., AND GPU SERVICE CORP.

Proposed Guaranty of Notes of Subsidiary Service Company

APRIL 21, 1978.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 260 Cherry Hill Road, Parsippany, N.J. 07054, a registered holding company, and its subsidiary service company GPU Service Corporation ("Service Company"), 260 Cherry Hill Road, Parsippany, N.J. 07054, have filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Service Company and GPU request authorization for (1) Service Company to issue notes aggregating $13,000,000 through December 31, 1979; and (2) GPU to guarantee the payment of principal and interest on such borrowings. Of such amount $8,000,000 would be borrowed from Hartford National Bank and Trust Company ("Hartford") and $5,000,000 from Citibank, N.A., pursuant to informal lines of credit. Although no commitments or agreements have been made, it is anticipated that (except with respect to the first $2,000,000 borrowed from Hartford) each such borrowing would bear interest at 105 percent of the prime interest rate of the banks for commercial borrowings in effect from time to time. Service Company would have the right to prepay the indebtedness, at any time in whole or in part, without penalty, and would not be required to maintain any compensating balance with respect to the borrowings. Concerning the first $2,000,000 to be borrowed from Hartford, the interest rate would be fixed at 8½ percent, and a commitment fee of ½ of 1 percent of the initial $2,000,000 of borrowings is required, except that such fee would be refunded if Service Company borrows the $2,000,000 prior to June 1, 1978. All notes evidencing borrowings in connection with this proposal would mature December 31, 1979.

Service Company proposes to use the proceeds to finance the construction and partial completion of a 125,000 square foot office building which Service Company proposes to erect on a tract of approximately 25 acres, in Parsippany, N.J. Such building would be used as a headquarters and will provide office space for about 450 Service Company personnel. It is estimated that construction of the building will require approximately 14 months to complete and that the aggregate cost will be about $15,300,000. (As of March 31, 1978, approximately $2,700,000 had been expended, principally for land acquisition and architectural and engineering services.) Service Company anticipates that it will seek long-term financing at or before the time of completion of the proposed office building.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $6,500, including legal fees of $4,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 18, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11522 Filed 4-27-78; 8:45 am]

[8010-01]

[File Nos. 81-312; 3-5419]

IVAC CORP.

Application and Opportunity for Hearing

APRIL 20, 1978.

Notice is hereby given that Ivac Corp. ("Applicant") has filed an application, pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from the reporting provisions of sections 13 and 15(d) of that Act.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the state of Deleware.

2. As the result of a merger on November 30, 1978, the Applicant became a wholly-owned subsidiary of Eli Lilly and Company ("Lilly").

3. At this time the Applicant has only one shareholder, Lilly.

In the absence of an exemption, Applicant is required to file reports pursuant to Sections 13 and 15(d) of the 1934 Act. Applicant believes that its request for an order exempting it from the provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant is a wholly owned subsidiary with only one shareholder. Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 15, 1978 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11523 Filed 4-27-78; 8:45 am]

[Rel. No. 20510; 70-6147]

LOUISIANA POWER & LIGHT CO.

Proposal by Public Utility Company To Enter into an Agreement Giving That Company a 60-Year Franchise To Operate a Municipal Electric System and an Option To Acquire That System

APRIL 21, 1978.

Notice is hereby given that Louisiana Power & Light Co. ("LP&L"), 142 Delaronde street New Orleans, La. 70174, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

LP&L is a public utility company engaged in the business of generating, transmitting, distributing and selling electric power and energy. It operates in 46 of the 64 parishes in the State of Louisiana, including the Parish of Ouachita.

The City of Monroe ("City") is a municipal corporation of the State of Louisiana, located in the Parish of Ouachita, in the northeasterly part of the State. Its population is approximately 62,000 people. The City owns, operates and maintains a system for the generation, distribution and sale of electric power and energy to customers within the corporate limits of the City, as well as to some customers outside of such corporate limits. As of May 31, 1977, the City had 20,483 electric customers. The City System is contiguous to and interconnected with LP&L's service area and its generation and transmission facilities.

LP&L states that for financial reasons and because of difficulty in obtaining fuel, the city has been encountering increasing difficulty in the operation and maintenance of its system and that these problems will persist into the foreseeable future. LP&L further states that it has negotiated with represntatives of the City and that on April 2, 1977, LP&L submitted to the Commission Council of the City an offer providing for the operation and possible ultimate ownership of the city System by LP&L. At a special election held on July 9, 1977, the electorate of Monroe voted to accept the Offer. On September 12, 1977, the Commission Council adopted Ordinance No. 6082, ordering the Mayor of the City to arrange for the takeover of the City's electric facilities by LP&L. That Ordinance becomes effective and irrevocable only after all necessary regulatory authorizations have been obtained, the City retaining the right to repeal the Ordinance until such authorizations have been received.

The relationship between LP&L and the City is to governed by an agreement ("Operating Agreement") which grants LP&L a 60-year electric franchise throughout the City and obligates LP&L to operate and maintain, at its own expense, the distribution facilities and to provide for the total electric power supply requirements of the distribution system and its customers. LP&L will be obligated to make such additions, improvements, replacements, extensions, and retirements as it considers necessary or desirable. LP&L will read meters, bill customers and maintain certain insurance coverages with respect to the electric system. LP&L may, but will not be obligated to, operate, maintain, improve and/or replace the generating facilities. Additions, improvements, replacements and extensions made to the distribution system or the generating facilities will become the property of LP&L, but provision is made for the acquisition thereof by the City in the event the operating Agreement is terminated or nullified without LP&L acquiring ownership of the electric system.

The Operating Agreement permits LP&L to apply, as its initial rates to customers, the rate schedules filed by LP&L with the Louisiana Public Service Commission on November 12, 1976, as part of LP&L's general rate increase application. If that Commission does not authorize the full rate increase applied for, LP&L will refund the difference, and, in any event, from the time of final action onward will provide service at the rates approved for LP&L customers throughout the state of Louisiana.

LP&L is to retain revenues collected by it for electric service rendered under the Operating Agreement. However, in addition to meeting expenses LP&L will be obligated to make annual deposits to provide debt service for that portion of the City's outstanding bonds applicable to the electric system. The City presently has outstanding bonds in the aggregate principal amount of $30,785,000 which are payable from the income and revenues of its waterworks and electric systems and plants ("Bonds"), consisting of the principal amounts presently outstanding of four different series of such bonds issued during the years 1965 through 1974, maturing on February 1st of the years 1979 through 2004, and bearing interest at rates from 3¼ percent to 8 percent per annum. The average rate of the Bonds is 4.73 percent per annum. The City and LP&L have agreed that the principal and interest on three of the four series of the Bonds, totalling $23,935,000 principal amount presently outstanding, are

attributable to the electric system. The annual amounts of the deposits relating thereto will vary from a high of $2,340,270 for 1980 to a low of $5,400 for 2004, the last year such deposits will be required. The City and LP&L have agreed that the remaining series of the Bonds in the principal amount of $6,850,000 is attributable to the water system and properties of the City. The City will be obligated to make deposits necessary to provide debt service for this series of Bonds, the annual amounts of such deposits will vary from a high of $655,000 for 1988 to a low of $535,735 for 1983 and will continue through 1997. If the City so requests, or if it fails to make any of its deposit payments within 15 days after they are due, LP&L will be required to make such payments on behalf of the City. Any such payments made by LP&L will be credited against LP&L's payment obligations to the City set forth below.

LP&L will be obligated, as long as the 60-year electric franchise by the City to LP&L hereinafter mentioned, or any replacement or successor or successive electric franchise to LP&L, shall be in effect, to pay the City 2 percent of the revenues from residential and commercial customers within the corporate limits of the City, but if for any calendar year the aggregate of such 2 percent payments and LP&L's ad valorem taxes in the City total less than $700,000 LP&L will pay the City the difference within 30 days, and if residential and commercial revenues within the corporate limits exceed $10,000,000 in any calendar year, the foregoing will be increased by an amount equal to 1 percent of such excess.

The Operating Agreement provides that LP&L will have the right to pay and refund any or all of the Bonds, and/or to pre-refund any of the Bonds which may not then be callable. At any time that the City and LP&L mutually desire to effect such a refunding, the City may issue and sell revenue refunding bonds in an amount sufficient to pay and refund and/or pre-refund all of the Bonds then outstanding. Such revenue refunding bonds will be issued in two separate series, one series ("Series 1") will be in the amount necessary to pay and refund and/or to pre-refund that portion of the then outstanding Bonds attributable to the City's waterworks plant and system and will be payable solely from the income and revenues to be derived from said waterworks plant and system. The other series ("Series 2") will be in the amount necessary to pay and refund and/or to pre-refund that portion of the then outstanding Bonds attributable to the electric system and will be payable solely from the income and revenues to be derived from and/or in connection with the electric system. Such refunding will be accomplished through one of two means. The Operating Agreement may be replaced by a lease-purchase agreement whereunder LP&L would become the lessee of the electric system; the lease payments made by LP&L would be sufficient to provide debt service for the Series 2 refunding bonds and the Company would have the right to acquire the electric system on the same basis as provided for in the Operating Agreement when none of the Series 2 refunding bonds remain outstanding. In the alternative, the Operating Agreement could be replaced by a new operating agreement reflecting such changes as necessarily result from such refunding but otherwise having substantially the same terms, conditions and provisions as the Operating Agreement. The Operating Agreement also contains provisions under which, subject to certain limitations, either party may require the other to participate in such a refunding if the net expense for debt service required of such other party as a result of the refunding is no greater than its debt service expenses under the Operating Agreement.

The Operating Agreement further provides that at such time as no Bonds or Series 2 refunding bonds are outstanding (pre-refunded bonds and/or pre-refunded refunding bonds being considered as no longer outstanding), LP&L will have the right and option, for no additional consideration, to acquire from the City the entire electric system.

LP&L will agree, by separate letter, that if the Operating Agreement is terminated or nullified during the term of LP&L's franchise without LP&L acquiring ownership of the electric system LP&L will, on demand, release and relinquish its franchise. At such future time as LP&L desires to acquire ownership of the electric system, whether by exercising its option under the Operating Agreement or otherwise, or at such future time as any refunding of the Bonds is proposed, LP&L will, by a further filing with this Commission, seek further authority to acquire the electric system or to participate in such refunding operation.

A statement of the fees, commissions, and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, is required to authorize the proposed transaction. The LPSC has informed LP&L that it does not oppose the proposed transaction.

Notice is further given that any interested person may, not later than May 15, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11524 Filed 4-27-78; 8:45 am]

[8010-01]

[Rel. No. 10215; 812-4270]

MARATHON SECURITIES CORP. ET AL.

Filing of Application Pursuant to Section 17(b) of the Act for an Order Exempting Proposed Transaction from Section 17(a) of the Act

APRIL 21, 1978.

Notice is hereby given that Marathon Securities Corp. ("Marathon"), a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), Highland Capital Corp. ("Highland"), a closed-end, nondiversified management investment company registered under the Act, and Walter Scheuer, 635 Madison Avenue, New York, N.Y. 10022, a director, officer, and principal stockholder of both Marathon and Highland (collectively, "applicants"), filed an application on February 14, 1978, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act a proposed purchase by Highland and Mr. Scheuer of certain property owned by Marathon in connection with Marathon's ongoing liquidation and dissolution as a registered investment company. All interested persons are referred to the application on file

with the Commission for a statement of the representations contained therein, which are summarized below.

Marathon was organized as a Delaware corporation and registered under the Act in May 1965. At a meeting held on October 2, 1974, Marathon's stockholders considered and approved a plan ("plan") for the liquidation and dissolution of Marathon and the termination of Marathon's status as a registered investment company. On December 6, 1974, Marathon filed a certificate of dissolution with the Delaware Secretary of State and, under Delaware law, Marathon was thereby legally dissolved. The application states that, pursuant to the plan, Marathon's officers and directors have been liquidating Marathon and winding up its affairs as expeditiously as practicable. Highland was organized in March 1979 as a Delaware corporation and was registered under the act in April 1969.

Walter Scheuer is the principal stockholder and chairman of the board of directors of Marathon and Highland. As of December 31, 1977, Mr. Scheuer, members of his immediate family and trusts and accounts in which he participates in the management owned 194,549 shares, or approximately 48 percent, of the issued and outstanding shares of Marathon common stock and 711,302 shares, or approximately 70 percent, of the issued and outstandig shares of Highland common stock.

In furtherance of its liquidation and dissolution as a registered investment company, Marathon proposes to sell to Highland and Mr. Scheuer, individually, certain office furniture and equipment for which it has no further use or reason to retain. The price at which Highland proposes to purchase a substantial portion of the furniture and equipment represents its appraised value as determined by an independent appraiser retained by the applicants. Similarly, the price at which Mr. Scheuer proposes to purchase the remainder of the furniture and equipment from Marathon represents its appraised value as determined by the same appraiser. It is proposed that Highland and Mr. Scheuer will pay $7,385 and $1,550, respectively, for the furniture and equipment they each intend to purchase. Appliants have been advised by the appraiser that the appraised values represent the amount at which a dealer in used furniture could expect to sell the furniture and equipment at retail, not the substantially lesser amount which Marathon could expect to realize if it were to sell such furniture and equipment to a third party, other than Highland or Mr. Scheuer.

Section 17(a)(2) of the act, with certain exceptions not here relevant, prohibits an affiliated person, acting as principal, knowingly to purchase from a registered company, or from any company controlled by such registered company, any security or other property. Section 17(b) of the act provides that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) of the act if the evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and the general purposes of the act.

Section 2(a)(3) of the act includes within the definition of an "affiliated person" of another person any person owning 5 percent or more of the outstanding voting securities of such other person, any officer, or director of such other person, and any person directly or indirectly controlling, controlled by or under common control with such other person. Section 2(a)(28) of the act includes "a company" within the definition of a "person." The application states that Marathon and Highland are under common control and are thus "affiliated persons" of each other within the meaning of section 2(a)(3) of the act. Similarly, Mr. Scheuer is an "affiliated person" of both Marathon and Highland by virtue of his positions as a director, officer, and principal stockholder of both companies.

Based upon the foregoing, the proposed purchase by Highland and Mr. Scheuer of certain property owned by Marathon might be deemed to be in violation of section 17(a)(2) of the act. Accordingly, applicants request an order of the Commission pursuant to section 17(b) of the act. Applicants state that the terms of the proposed transaction, including the consideration to be paid, are fair and reasonable and do not involve overreaching on the part of any person concerned. In addition, applicants represent that the transaction is consistent with the plan for the dissolution and liquidation of Marathon and the investment policies of both Marathon and Highland and that the transaction is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than May 16, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11525 Filed 4-27-78; 8:45 am]

[8010-01]

[Rel. No. 10214; 811-2459]

PARTHENON FUND, INC.

Filing of Application for an Order Declaring That the Applicant Has Ceased To Be an Investment Company

APRIL 21, 1978.

Notice is hereby given that Parthenon Fund, Inc. ("applicant"), First American Center, Nashville, Tenn. 37238, registered under the Investment Company Act of 1940 ("act") as an open-end, diversified management investment company, filed an application on March 13, 1978, pursuant to section 8(f) of the act, for an order of the Commission declaring that the applicant has ceased to be an investment company as defined in the act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The applicant, a Tennessee corporation, registered under the act on February 28, 1974, and also filed a registration statement on Form S-5 (File No. 2-50305) under the Securities Act of 1933 for the public sale of shares of common stock on that same date. This registration statement, covering 1,000,000 shares of the applicant's common stock, was declared effective on October 29, 1974, and the applicant commenced a public offering of shares of its common stock on that date.

At a special meeting of shareholders held on November 15, 1977, the shareholders of the applicant approved a resolution unanimously approved by

the board of directors of the applicant calling for the dissolution of the applicant, contingent upon the acquisition by First Amtenn Corp., a bank holding company located in Nashville, Tenn., of the applicant's investment adviser, Lee, Robinson & Steine, Inc. ("adviser"). On December 30, 1977, the adviser was so acquired, and on that date the applicant filed a statement of intent to dissolve with the Secretary of State of Tennessee and liquidated its portfolio securities at their market values determined as of that date. Upon such filing the applicant proceeded, in accordance with the requirements of Tennessee State law, to wind up its business affairs. On January 27, 1978, the applicant distributed to its shareholders a liquidating distribution of approximately $10.18 per share in total liquidation of their interest in the applicant. The application states that there are no shareholders of the applicant whose interest in the applicant has not been completely liquidated.

The application states that the adviser agreed to bear all expenses incurred by the applicant in connection with its dissolution, including brokerage commissions incurred in liquidating its portfolio securities and any expenses incurred in terminating its registration under the act. The application further states that the applicant currently has no assets, debts, or liabilities outstanding, and that there is no litigation or administrative proceeding concerning the applicant currently pending. Upon the issuance of the requested order of the Commission pursuant to section 8(f) of the act, the applicant intends to file its articles of dissolution with the Tennessee Secretary of State, thereby terminating its corporate existence.

Section 8(f) of the act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 16, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11526 Filed 4-27-78; 8:45 am]

[8010-01]

[Rel. No. 10216; 812-4279]

PUTNAM DAILY DIVIDEND TRUST

Filing of Application

APRIL 24, 1978.

Notice is hereby given that Putnam Daily Dividend Trust ("applicant"), 225 Franklin Street, Boston, Mass. 02110, a Massachusetts business trust registered under the Investment Company Act of 1940 ("act") as a diversified, open-end, management investment company, filed an application on March 9, 1978, and an amendment thereto on March 31, 1978, pursuant to section 6(c) of the act, for an order declaring that Mr. Avery Rockefeller, Jr. ("Rockefeller"), a proposed trustee of applicant, shall not be deemed to be an "interested person" of applicant, or the Putnam Management Co., Inc. ("adviser"), the investment adviser to the applicant, or Putnam Fund Distributors, Inc. ("underwriter"), a possible principal underwriter for the applicant, within the meaning of section 2(a)(19) of the act by reason of his being a director of the Home Insurance Co. ("Home Insurance") or of its subsidiary, Seaboard Surety Corp. ("Seaboard Surety"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Rockefeller's principal occupation is serving as a trustee or director of various organizations: Assets Management, Inc. (a data processing firm), certain other investment companies in the Putnam Group, Piggly-Wiggly-Southern, Inc., the Church Pension Fund, New England College, the Geraldine R. Dodge Foundation, as well as Home Insurance, and Seaboard Surety.

Applicant states that Home Capital Services, Inc. ("Home Capital"), another wholly owned subsidiary of Home Insurance, is a registered broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). Home Capital trades in the accounts of affiliates of Home Insurance and also acts as an underwriter and dealer in bonds.

Section 2(a)(19) defines an "interested person" of an investment company and of an investment adviser of or principal underwriter for an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the act includes in the definition of an "affiliated person" of another person, any person directly or indirectly controlling, controlled by or under common control with such other person. Section 2(a)(19) defines "control" as the power to exercise a controlling influence over the management or policies of a company.

Section 10(a) of the act prohibits an investment company from having a board more than 60 percent of the members of which are interested persons of such investment company. Section 10(b) of the act prohibits an investment company from using as its principal underwriter any person unless a majority of the company's board are not interested persons of such principal underwriter.

As a director of Home Insurance, Rockefeller might be deemed to indirectly control Home Capital, and as a director of Seaboard Surety, he might be deemed to be under common control with Home Capital. In either case, Rockefeller might be considered an affiliated person of Home Capital and therefore an interested person of applicant, the adviser, and the underwriter.

Applicant states that the trustees intend to elect Rockefeller as a trustee as soon as practicable if Rockefeller is deemed not to be an "interested person" of applicant, the adviser, and the underwriter within the meaning of section 2(a)(19) of the act.

Although an order declaring that Rockefeller shall not be deemed to be an interested person of applicant, the adviser, or the underwriter is not presently necessary to maintain the percentage of disinterested trustees required under sections 10(a) and 10(b) of the act, applicant states that the application has been submitted to avoid future violation of such provisions and to continue the policy of the investment companies managed by the asdviser of having a high proportion of trustees or directors who are not interested persons.

Applicant submits that Rockefeller's independence in acting on its behalf would in no way be impaired because of his affiliation with Home Insurance and Seaboard Surety. Rockefeller has advised applicant that except in his capacity as a director of Home Insurance and Seaboard Surety, he has no connection with Home Capital and that he does not control nor is he controlled by Home Capital.

Applicant represents that it has never done any business with Home Capital, and, if the Commission grants this application, undertakes not to transact any business with Home Capital. In view of the very large number of other bond dealers in the United States, applicant represents that such undertaking will not adversely affect its portfolio transactions.

Section 6(c) of the act provides, in part, that the Commission, by order upon application, may exempt any person from any provision of the act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

In light of the foregoing representations and the fact that the Commission has granted similar applications enabling Rockefeller to serve as a disinterested trustee or director of other investment companies managed by the adviser, most recently that of Putnam Option Income Trust (Investment Company Act Release No. 9934, September 15, 1977), applicant requests that an order be issued, pursuant to section 6(c) of the act, declaring that Rockefeller shall not be deemed an interested person of applicant, the adviser, or the underwriter within the meaning of section 2(a)(19) of the act by reason of his being a director of Home Insurance and Seaboard Surety.

Notice is further given that any interested person may, not later than May 19, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission therefafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-11527 Filed 4-27-78; 8:45 am]

[8010-01]

[Release No. 34-14687; File No. SR-CBOE-78-10]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 4, 1978, 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

In accordance with Exchange Rule 2.22.01, the Exchange has established the following proposed schedule of charges to be imposed on its members, for contract executions by the Board Brokers:

Price[1]	1 to 10 contracts	11 and above
Under ⅛	$0.50	$0.40
⅛ to 1	.75	.65
1 to 2	.90	.75
2 to 4	1.10	.90
4 to 8	1.50	1.30
8 to 14	2.00	1.50
14 to 20	2.50	1.85
20 and above	3.00	2.30

[1]Lower bound inclusive.

The proposed schedule will become effective when the new procedures for appointing Board Brokers are implemented and upon the appointment of Board Brokers pursuant to such procedures.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed charge schedule established by the Exchange is designed to achieve, to the extent practicable, the objectives of (1) earning sufficient revenues for the Exchange to offset its costs in providing Board Broker services, including the operating expenses of the Exchange's new Order Support System ("OSS"), while, at the same time, (2) establishing charges that are competitive with those of other exchanges.

The proposed schedule of charges is made under the authority of section 6(b)(4), which permits an exchange's rules to provide for the equitable allocation of reasonable charges among its members. The proposed charges are reasonable in amount because they would generate the amounts of revenues needed by the Exchange to recover its costs of operating OSS and the new Board Broker structure to the extent that such cost recovery is consistent with the Exchange's need to establish a competitive charge. The proposed charges are equitable because they would be borne by those who would make use of OSS and Board Broker executions in accordance with such use.

The Exchange did not solicit and has not received comments on its proposed schedule of charges.

The proposed schedule of charges is designed, in part, to assist the Exchange in competing with other options exchanges for order flow. The proposed schedule of charges would enhance competition and not be a burden thereon.

On or before June 2, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection 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 by May 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1978.

[FR Doc. 78-11528 Filed 4-27-78; 8:45 am]

[8010-01]

[Release No. 34-14688; File No. SR-CBOE-78-9]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 4, 1978 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

In order to implement previously adopted rules of the Exchange (Rules 2.9, 7.2, 7.3, 7.10, and 7.11, hereinafter referred to as the "Board Broker Rules") which were approved by Order of the Securities and Exchange Commission dated June 24, 1977 in File No. SR-CBOE-1977-6, the Exchange has adopted the following procedures for granting Board Broker appointments on the basis of a system of competitive bidding, for compensating Board Brokers and for evaluating Board Broker performance:

Selection Procedure. Under the proposed competitive bidding procedure, the Exchange would invite bids from all Exchange members interested in obtaining Board Broker appointments. Bidders would be required to complete an Application for Board Broker Appointment which would furnish the Exchange with information concerning the personal background, prior experience and financial situation of the bidders. Bids would be invited on each of 13 "units"—a specified group or groups of option classes located at a trading post as set forth in the revised map of the Exchange floor. Individuals or organizations would be permitted to submit bids for one or more units. The Exchange would establish minimum staffing requirements (a specified number of members and clerks) for each unit. For each unit, the Appointments Committee would establish minimum and maximum acceptable monetary bids. Bids for a unit which are lower than the minimum acceptable level or higher than the maximum acceptable level set for such unit would be rejected automatically. The member submitting the best bid for each unit in accordance with the criteria set forth in the Objective Weighting System, discussed below, would be appointed to act as the Board Broker for such unit.

Objective weighting system. The proposed procedure for ranking bids for a particular unit is based on the assignment of points to reflect (1) the dollar amount of the bid in relation to the established minimum and maximum bid levels and (2) the relevant experience of the individual members designated to perform Board Broker services on behalf of the bidder. The points so assigned to reflect the dollar bid and experience would be given equal weight in the ranking process.

The relevant experience of members seeking to perform Board Broker services would be weighted by assigning from five to ten experience points to members then acting as Board Brokers on the Exchange depending on their latest performance evaluation; by assigning six experience points to members who are Assistant Board Brokers with a minimum of six months of experience or who previously acted as Board Brokers and received a specified evaluation rating; by assigning five points to members who were floor brokers and marketmakers on the Exchange, or specialists or order book officials on another exchange, with six months of experience; by assigning four experience points to other persons who had six months of experience as part of the staff of a Board Broker; and by assigning three experience points to all other persons with relevant experience not specified above.

Board broker compensation plan. The Board Broker who is appointed to one or more units would receive two types of remuneration from the Exchange for performing Board Broker services. First, he would receive a fixed amount of compensation determined by the dollar amount of his bid. Second, the Board Broker would receive variable payments on a per contract basis for each contract executed by the Board Broker in excess of a base level which would be determined for each unit.

Service agreement. Each Board Broker appointed to perform Board Broker services for a particular unit would be required to execute a Service Agreement with the Exchange. The Agreement would set forth the respective rights and obligations of the Board Broker and the Exchange. The Board Broker, whose relationship with the Exchange would be that of an independent contractor, would agree to provide all Board Broker services as prescribed by the Rules of the Exchange at the unit to which he was appointed and to be solely responsible for any and all errors which may arise through the performance of such services. The Board Broker also would be responsible for employing and maintaining at least the minimum staff specified by the Appointments Committee. The Exchange would be responsible for making payments to the Board Broker in accordance with the Board Broker compensation plan, discussed above. The Agreement would remain in force for a period of two years, unless terminated earlier upon the occurrence of a specified event.

Performance evaluation procedure. Under the proposed performance evaluation procedure, the Appointments Committee would select three groups of persons to evaluate the performance of Board Brokers: (1) managers from member firms which transact customer orders through Board Brokers, (2) floor members with experience in the particular Board Broker's trading crowd, and (3) floor members from other crowds who would observe the Board Broker's performance. Each Board Broker would be informed of the identity of his evaluators prior to the commencement of evaluations and would have an opportunity, if he felt that an evaluator would not provide an impartial evaluation, to request the exclusion of such evaluator. The individual evaluations submitted by the evaluators would not be disclosed to the Board Brokers. The grades given by each of the three groups of evaluators would be weighted as follows to determine the overall grade for each appointed Board Broker: the average grade given by the floor members with experience in the particular Board Broker's crowd would be given a weight of .45; the average grade of the member firm floor managers would be given a weight of .34; and the average grade of the out-of-crowd floor members would be given a weight of .21. Following an evaluation, representatives of the Appointments Committee would meet with each Board Broker to advise him of his overall grade on a numerical scale from 1 to 5 (with 1 being poor, 3 being acceptable, and 5 being excellent) as well as particular areas needing attention and improvement. If any Board Broker received an unacceptable grade (below 3.0) for any two evaluations during one contract period, the Appointments Committee could, in its discretion, terminate the Board Broker's appointment.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purposes of the Board Broker Rules approved in 1977 were stated in the Form 19b-4A filed by the Exchange in File No. SR-CBOE-1977-6. In developing the implementing procedures which are the subject of this filing, the Exchange sought to achieve the following purposes to the maximum extent possible consistent with the other purposes set forth herein:

1. To provide all members with a reasonable opportunity to compete for Board Broker appointments.

2. To provide a framework which would make it attractive for qualified persons to seek to complete for Board Broker appointments and which would assure that the persons winning appointments as Board Brokers have the degree and quality of experience necessary to perform Board Broker services in a manner consistent with the maintenance of fair and orderly markets.

3. To provide appointed Board Brokers with adequate incentives for maintaining a superior performance and encouraging increased utilization of the Exchange's limit order books.

4. To provide the means of enhancing the ability of the Exchange and its members to provide high quality limit order book services for public customers in an efficient manner, and thus of enhancing the Exchange's ability to compete with other options exchanges in providing such services.

5. To provide bidding procedures which would keep the Exchange's costs, especially its fixed costs, as low as possible.

6. To provide a Board Broker system that is compatible with the development and implementation of the Exchange's automated Order Support System.

The implementing procedures filed herewith are in accordance with the following sections of the Act:

1. Section 6(b)(1), in that the procedures would enhance the capacity of the Exchange to be able to carry out the purposes of the Act.

2. Section 6(b)(4), in that the procedures would tend to assure that the charges paid by the Exchange's membership for Board Broker services would be maintained at a reasonable level.

3. Section 6(b)(5), in that the procedures would promote just and equitable principles of trade and would tend to remove impediments to and perfect the mechanism of a free and open market.

4. Section 6(b)(8), in that the procedures would not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

5. Section 11A(a)(1)(C)(i), in that the procedures would tend to assure economically efficient execution of securities transactions.

6. Section 11A(a)(1)(C)(ii), in that the procedures would enhance fair competition among Board Brokers and among exchange markets.

The Appointments Committee of the Exchange solicited comments on the proposed procedures to implement the new Board Broker bidding system with three memoranda to the membership dated December 3, 1977, February 2, 1978, and March 14, 1978. Written comments were received from a number of Board Brokers, expressing criticism of certain aspects of the proposed procedures and suggesting methods by which such procedures could be improved.

The proposed procedures for implementing the Board Broker Rules are designed to assure that all Exchange members would have a reasonable opportunity to compete for Board Broker appointments and to enhance the ability of the Exchange to compete with other options exchanges in providing limit order services for public customers. In those respects, the proposed procedures would enhance competition and not be a burden thereon.

The Objective Weighting System, one portion of the proposed implementing procedures, might be thought to constitute a burden on competition to the extent that it provides a preference (in the form of a greater number of experience points) to the bids for Board Broker appointments of those Exchange members who are currently acting as Board Brokers. The Exchange believes, however, that the proposed weighting system is justified as being "necessary or appropriate in furtherance of the purposes" of the Act, namely, the maintenance of fair and orderly markets. The proposed weighting system is the Exchange's effort to provide a proper balance between, on the one hand, the objectives of fair competition for Board Broker appointments and keeping the Exchange's costs in providing Board Broker services as low as possible against, on the other hand, the need to provide a framework which would make it attractive for qualified persons to seek to compete for Board Broker appointments and for assuring that the persons winning appointments as Board Brokers will have the degree and quality of experience necessary to perform Board Broker services in a manner consistent with the maintenance of fair and orderly markets. The Exchange believes that it is extremely important that appointed Board Brokers be experienced in handling limit orders in the context of the volatility, large volume, and active trading crowds which are common at the Exchange. Accordingly, Exchange members currently acting as Board Brokers in a satisfactory manner would receive a greater number of experience points than would other members since the current Board Brokers would have had the exact type and quality of experience required to perform Board Broker services and maintain fair and orderly markets on the Exchange's trading floor.

On or before June 2, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection 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 by May 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1978.

[FR Doc. 78-11529 Filed 4-27-78; 8:45 am]

[8010-01]

[Release No. 34-14695; File No. SR-NYSE-78-25]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 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 April 13, 1978 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows (additions italicized, deletions bracketed):

TEXT OF PROPOSED NEW RULE 80 SUBMITTED BY THE NEW YORK STOCK EXCHANGE, INC. ("NYSE")

Rule 80 (a) *No member shall act as an odd-lot bond dealer unless such member is registered with the Exchange as an odd-lot bond dealer or as a relief odd-lot bond dealer and the Exchange has not suspended or cancelled such registration.*

(b) *A member who is registered with the Exchange as an odd-lot bond dealer or as a relief odd-lot bond dealer may effect transactions on the Floor in any listed bond for his own account or the account of his member organization of the following types:*

(i) *Any transaction insofar as may be reasonably necessary to act as a bond odd-lot dealer;*

(ii) *Any transaction for at least one unit of trading to facilitate the execution of other members' customers' orders at a better price than is currently available when specifically requested to do so by a Floor Official.*

Transactions of a type not reasonably necessary to perform the above functions are not to be effected.

(c) *In addition to the provisions of paragraph (b) above, other Exchange rules relating to making bids, offers and transactions on the Floor shall apply to transactions effected by registered odd-lot bond dealers, except that Rules 98, 99, 100, 101, 102, 124 and 126 shall not apply.*

(d) *For the purposes of paragraphs (a), (b), and (c) above, orders in bonds from 1 to 99 ($1,000 original principal amount to $99,000 original principal amount) are considered odd-lot orders.*

(e) *The provisions of this Rule shall apply only to transactions effected thereunder and not to transactions exempt or otherwise effected under Section 11(a) of the Securities Exchange Act of 1934 and rules adopted thereunder or Exchange Rule 107.*

(f) *If, in any proceeding under Rule 476, the exchange shall have found any registered odd-lot bond dealer to have been guilty of (1) any substantial or continued dealings in a manner inconsistent with this rule, (2) conduct inconsistent with just and equitable principles of trade, (3) acts detrimental to the interest or welfare of the Exchange or (4) conduct contrary to an established practice of the Exchange, the registration of such registered odd-lot bond dealer shall be subject to suspension or cancellation by the Exchange.*

(g) *Every registered odd-lot bond dealer and his relief bond dealer must keep a record of transactions effected on the Floor for his own account or the account of his member organization. Registered odd-lot bond dealers are required to report such transactions on periodic call from the Exchange, in such form as the Exchange may prescribe.*

NYSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of proposed new Rule 80 are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of proposed new Rule 80 is to permit Exchange bond dealers to effect transactions on the listed bonds on and after May 1, 1978, assuming that section 11(a) of the Act becomes applicable to all Exchange members on that date.

Bond broker-dealers' proprietary transactions facilitate the execution of orders on the Floor—particularly small orders which are predominantly traded on the Exchange—and otherwise tend to reduce volatile price fluctuations in listed bonds. Proposed new Rule 80 is designed to permit Exchange bond dealers to register with the Exchange as a registered odd-lot bond dealers and avail themselves of the exemption contained in section 11(a)(1)(B) of the Act for transactions effected by odd-lot dealers.

The proposed new Rule is *not* intended to apply to transactions effected in the Automated Bonds System (ABS).

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed new Rule relates to section 6(b)(5) of the Act in that it will:

(i) Act to reduce unfair discrimination between brokers and dealers, and as such, act to reduce unfair discrimination between customers by permitting Exchange members to effect proprietary transactions of a type that other broker/dealers are free to effect in the over-the-counter market; and

(ii) Aid in the protection of investors and the public interest by providing a mechanism that can aid in reducing volatile price fluctuations.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited comments regarding the proposed rule change and has received none.

BURDEN ON COMPETITION

The Exchange does not believe the proposed new Rule will impose any burden on competition. In fact, the Exchange believes that the proposed new Rule will further fair competition between brokers and dealers and between Exchange markets and other than Exchange markets.

In submitting the instant rule filing, NYSE requests that the Commission order approval thereof prior to May 1, 1978, the effective date of section 11(a)(1) of the Act with respect to transactions on a national securities exchange effected by any member of such an exchange who was a member on May 1, 1975. To accomplish this, the Commission could accelerate approval of SR-NYSE-78-25 upon a finding of good cause (and publication of the reason(s) for so finding) pursuant to section 19(b)(2) of the Act. Alternatively, the Commission could put the proposed rule change into effect summarily in accordance with Section 19(b)(3)(B) of the Act. That provision permits the Commission to order effectiveness of an exchange rule proposal summarily (subject to summary abrogation of the proposed rule change within sixty days of the date of filing) if it appears to the Commission that such action is necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds. Thereafter, the rule summarily put into effect is to be refiled and reconsidered by the Commission pursuant to section 19(b) (1) and (2).

Although the Commission has determined at this point to publish notice of SR-NYSE-78-25 pursuant to section 19(b)(1) of the Act, that action does not preclude the Commission's invoking at a later date either statutory alternative to approve, or put summarily into effect, SR-NYSE-78-25 on or before May 1, 1978.

On or before June 2, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect 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 by May 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 21, 1978.

[FR Doc. 78-11530 Filed 4-27-78; 8:45 am]

[8010-01]

[Release No. 34-14701; File No. SR-NYSE-78-17]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; 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 March 23, 1978, the above mentioned self-regulatory organization filed with the Secu-

rities and Exchange Commission proposed rule changes. The New York Stock Exchange, Inc. has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed rule changes, if approved, would provide for the implementation and operation of the Intermarket Trading System (ITS) and the Pre-Opening Application on the Floor of the Exchange.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

Pursuant to the intent of the Congress, as expressed in section 11A(a)(3)(B) of the Securities Exchange Act of 1934, as amended, (the Act)—that self-regulatory organizations act jointly in planning, developing, operating and regulating a national market system (or a subsystem or one or more facilities thereof)—the NYSE and the American, Boston, Pacific, and Philadelphia Stock Exchanges have entered into a plan agreement (the Plan) providing for an electronic communications system (the System) which will link together the various trading floors maintained by the participating exchanges. This System is intended to support the Intermarket Trading System Application (ITS) and the Pre-Opening Application.

The ITS Application of the System will facilitate intra-day (post opening) trades between broker-dealers on different participants. The following example describes the operation of ITS:

Assume that a member firm of the NYSE receives from a customer an order to purchase 100 shares of a given NYSE listed stock that is also traded on the Pacific (PSE) and Philadelphia (PHLX) Stock Exchanges and sends that order to the NYSE Floor for execution. There an NYSE member, acting as agent for the customer, will receive the order and attempt to execute it. He will go to the post at which the stock is traded on the NYSE and inquire as to the market for that stock. He may find that the best bid on the NYSE Floor is 40 and that the best offer is 40¼.

A continuously updated quotation display at the same trading post will also show the broker the best bid and offer available throughout the System other than on the NYSE Floor, identifying the participant with the best bid and the participant with the best offer. Thus, the broker may discover that the best bid for the stock from other participants is a bid of 40 on the PHLX and the best offer from other participants is one of 40⅛ on the PSE. Having learned this information, the broker may decide to attempt to buy the 100 shares for his customer from the 40⅛ offer on the PSE. The broker would send, or cause to be sent, through ITS a so-called "commitment to trade" to the PSE. (As used in the Plan the term "commitment to trade" means a message issued by a broker-dealer in one participating market center which is sent to another participating market center through ITS and which communicates the sender's firm offer to buy (or sell) a specific number of shares of a specific security at a specified price or "at the market.") In this example, the broker would send to the PSE a commitment to buy 100 shares of the stock at 40⅛. If the 40⅛ offer on the PSE is still available when the commitment to buy reaches the PSE and if the rules of the PSE permit an execution at that price, then the PSE offer would accept the commitment and an execution at 40⅛ would take place.

The Pre-Opening Application of the System will enable a specialist on any participant who wishes to open his market in a security traded through ITS to obtain through the System any pre-opening interest of other specialists registered in that security on the other participants. In this way the specialist in a given stock on one participant may be able to participate (as agent and/or principal) in the opening transaction in that stock on another participant and thus be able to provide an execution for limited price orders left with him which would otherwise go unexecuted. Briefly stated, the Pre-Opening Application would operate as follows:

Whenever a specialist on any participant, in arranging an opening transaction in his market in a stock traded through ITS, determines that the opening transaction will be at a price which is more than ¼ of a point away from the previous day's closing price of that stock, as reported on the consolidated tape, the specialist will notify specialists in that stock on the other participants of such situation by sending a message, called a "pre-opening notification," through the System. This message will identify the stock and will state the side of the market in which the order imbalance exists, the amount of the imbalance, and the amount paired off. The specialist who issues a pre-opening notification is referred to in the Plan as the "inquiring specialist."

If any specialist who receives a pre-opening notification desires to participate in the inquiring specialist's opening transaction in the stock in question, he would do so by sending through the System to the inquiring specialist a message, known as a "pre-opening response" containing "obligations to trade," both as principal for his own account and/or as agent for orders left with him, at each price level at which the stock might open. The specialist who issues a pre-opening response is referred to in the Plan as the "responding specialist."

Upon receiving such obligations to trade from the responding specialist(s), the inquiring specialist would combine them with the orders he already holds in the stock in question and, on the basis of this aggregated information, decide upon the opening transaction in that stock.

Responses to pre-opening notifications are voluntary but, each obligation to trade which is included in any pre-opening response, or in any modification of a pre-opening response, will remain binding on the responding specialist, and on any person for whom he is acting, until the inquiring specialist has either opened the stock in question or received a cancellation or modification of such obligation.

ITS and the Pre-Opening Application and the various procedures related thereto as agreed upon by the participants are explained fully in the Plan.

The Plan, which has been submitted separately to the SEC for approval, describes a number of rules and rule changes that each participant agrees to adopt in order to ensure that both the Pre-Opening Application and ITS operate in the manner intended by the Plan participants.

Thus, the general purpose of the proposed Constitution and rule changes submitted in this filing is to provide for the implementation and operation of ITS and the Pre-Opening Application on the Floor of the NYSE in accordance with the provisions and intent of the Plan.

The proposed change to Section 5 of Article III of the Exchange Constitution would allow facilities (electronic equipment, etc.) to be installed on the Floor of the Exchange to permit members to send orders from the Floor to other participating market centers for execution and receive orders on the Floor from such other market centers for execution on the NYSE. A corresponding technical change is also proposed to Exchange Rule 36 which would reflect the fact that the Board of Directors of the Exchange has exercised its authority under Article III, Section 5 of the Constitution and determined that equipment shall be installed on the Floor as appropriate so as to accommodate the operation of ITS and the Pre-Opening Application.

The proposed change to Section 9 of Article IX of the Exchange Constitution would permit the Exchange to assume liability in connection with transactions effected by its members

through ITS or the Pre-Opening Application (System transactions). The Exchange's liability would be limited to the extent set forth in proposed new Rule 16. This rule provides in effect that:

If the NYSE side of a System transaction fails to compare, the Exchange will assume that side of the transaction for its own account and risk, when investigation of the details of the trade fails to confirm the identity of the broker on the Floor who issued the instruction which caused the transaction to be consummated and also fails to confirm the identity of the clearing member which knows that side of the transaction;

The Exchange will assume liability for losses incurred by members because of errors and/or omissions of Exchange employees who will be involved in the operation of ITS and the Pre-Opening Application subject to a limit of $10,000 per single claim or $100,000 for all claims by any one or more members, in the aggregate, resulting from all errors and omissions of Exchange employees occurring on a single trading day; and,

If the NYSE side of a System transaction is to be settled by an Exchange member who becomes insolvent prior to clearance, the Exchange may, but would not be required to, assume that side of the transaction for its own account and risk.

The Exchange also proposes to adopt a new Rule 15 in connection with ITS and the Pre-Opening Application. The purpose of this Rule is to:

Define key terms that are unique to the Plan;

Incorporate the salient provisions of the Plan into rule so the Exchange membership will be aware of them and so that they can be properly enforced by the Exchange; and

Identify those rules which would be applicable to commitments to trade received on the Floor through ITS and those rules which would be applicable to commitments to trade and also obligations to trade issued from the Floor of the Exchange through ITS or the Pre-Opening Application, respectively.

The Plan provides that the trading rules of the participating market center in which a commitment to trade is received through ITS shall be applicable to that commitment and any execution thereof within the market of that participant.

Thus, the Plan contemplates that such commitments to trade will be handled in the normal course of business in the receiving market center and will not be subject to any special restrictions except those which are specifically agreed to by the participating market centers in the Plan. To further emphasize this principle the Plan provides that the rules of each participant shall provide that a commitment to trade received in its market during the trading day shall, except as otherwise provided for in the Plan, be treated in the same manner and entitled to the same privileges as would an "immediate or cancel" order that reaches the trading floor of that participant at the same time. The proposed change in Exchange Rule 13 to the definition of an immediate or cancel order is intended to implement this provision of the Plan.

The Plan also provides that each participating market center shall be free to determine the extent to which its trading rules will be made applicable with respect to commitments to trade which are issued from such market center. So as not to impede or make unnecessarily complicated the use of ITS by its members to trade in other market centers, the Exchange has determined that only a minimum number of its trading rules should be made applicable to commitments to trade which are issued from the NYSE. Specifically, the proposed rule changes would make only the following existing rules applicable to commitments to trade issued from the Floor of the Exchange: Rules 47, 52, 92, 93, 94, 95, 96, 104A.50, 111, 112.30, and 123. Moreover, the Exchange has determined that these rules should also be applicable to obligations to trade issued from the Floor of the Exchange through the Pre-Opening Application of the System.

The effect of the proposed rule changes to the above mentioned existing Exchange rules is that:

Rule 47 would be extended to empower Exchange Floor Officials to supervise and regulate the operation of ITS and the Pre-Opening Application during active openings and unusual situations.

Rule 52 would be extended to provide that Exchange members can only issue commitments to trade from the Floor during hours when the Exchange is open for business.

Rule 92 would be extended to prohibit an Exchange member from issuing a commitment or obligation to trade for his own account when he holds a customer's order capable of execution at that price.

Rules 93 and 94, which restrict participation in joint accounts for Floor trading and specializing, would be extended to cover trading in other markets through ITS or the Pre-Opening Application.

Rule 95 would be extended to prohibit an Exchange member from initiating a discretionary order while on the Floor and using ITS or the Pre-Opening Application to transmit such order to another market center.

Rule 96 would be extended to prohibit a Competitive Trader from issuing a commitment or obligation to trade for his own account in a stock in which he holds an option.

Rule 111 would be extended to provide that a member must be registered as a Competitive Trader in order to issue a commitment or obligation to trade, for his own account, from the Floor. Of course, the rule would not apply to a specialist's dealings in specialty stocks.

Rules 104A.50, 112.30 and 123 would be extended to impose upon members certain reporting and record keeping requirements with respect to transactions effected in other markets through ITS or the Pre—Opening Application.

The proposed changes to Rule 104.10 (5) and (6) concerning the dealings of Exchange specialists would provide, essentially, that when an Exchange specialist effects a principal purchase of a specialty stock in another market through ITS, at or above the price at which he holds orders to sell that stock, the specialist must also fill the orders he holds which remain unexecuted by buying the stock for his own account at the same price as his ITS principal trade. The same principle would apply in the case where the specialist effects a principal sale through ITS. However, certain exceptions are provided, for example, in the case where a transaction on the Floor at that price would not be consistent with the maintenance of fair and orderly markets.

The proposed changes to Rule 104.10 (5) and (6) are intended to provide a degree of protection to limit orders which are held by NYSE specialists, during the initial phase of ITS. It is expected that future enhancements to ITS which are currently being contemplated would, if implemented, include mechanisms and procedures to provide for System-wide protection of limit orders.

The proposed change to Rule 115 would require NYSE specialists to disclose, upon request and to the extent practicable, information relating to limit orders held by such specialists to specialists in other participating market centers. The proposed change to Rule 115 is intended to dispel any concern that NYSE specialists will have an advantage over the specialists in other participating market centers because of knowledge of the primary market "book" information. The proposed rule change would also facilitate transition to future phases of ITS which, as previously mentioned, are expected to include mechanisms and procedures for System-wide limit order protection.

In addition to the foregoing, changes are also proposed to Exchange trading Rules 45, 54, 61, 112, and 115A. These changes are intended to clarify the application and meaning of the rules in terms of System transactions.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The proposed rule changes relate to Section 11A(a) of the Act because they would provide for the implementation and operation of the Intermarket Trading System and the Pre-Opening Application on the Floor of the NYSE. Implementation of the Intermarket Trading System and the Pre-Opening Application is consistent with the findings and directives of the Congress, as expressed in Section 11A(a) of the Act, that:

"New data processing and communications techniques create the opportunity for more efficient and effective market operations." (Section 11A(a)(1)(B));

"It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure . . . the practicability of brokers executing investors' orders in the best market . . ." (Section 11A(a)(1)(C)(iv));

"The linking of all markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders." (Section 11A(a)(1)(D));

"The Commission is authorized . . . by rule or order, to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under [the Act] in planning, developing, operating or regulating a national market system (or a sub-system thereof) or one or more facilities thereof . . ." (Section 11A(a)(3)(B)).

The proposed rule changes also relate to Section 6(b)(1) of the Act in that they would enable the Exchange to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange in an environment where Exchange members on the Floor of the NYSE will be able to effect securities transactions with broker-dealers located in different market centers.

Finally, the proposed rule changes relate to, and are consistent with, Section 6(b)(5) of the Act in that they are designed to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

The Exchange has not solicited nor has it received any comments regarding the proposed rule changes except that the Constitutional changes included in the rule changes have been submitted to and approved by the Exchange membership.

BURDEN ON COMPETITION

The proposed rule changes will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

On or before June 2, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect 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 filings 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 by May 30, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 24, 1978.

[FR Doc. 78-11531 Filed 4-27-78; 8:45 am]

[8010-01]

[Release No. 34-14707; File No. SR-Amex-78-10, Amdt. No. 1]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 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 April 26, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission Amendment No. 1 to a proposed rule change as follows:

AMEX STATEMENT OF TERMS OF SUBSTANCE OF THE AMENDMENT TO PROPOSED RULE CHANGE

Rule 114 would impose affirmative and negative trading obligations on floor traders who wish to register as market makers for securities other than options. Such floor traders, when trading for their own account or the account of their member organization in securities in which they have registered, would be expected to engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and would be prohibited from entering into transactions inconsistent with such course of dealings.

Where there is a temporary disparity between supply and demand for any security in which he is registered, such floor traders could be called into the trading crowd by a Floor Official or Floor Broker to assist in providing market depth and liquidity. Such floor traders will be expected to spend a substantial amount of time on the floor and must be generally available during that time to discharge their market making obligations under the rule.

AMEX STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing amendment to the proposed rule change is as follows:

The purpose of proposed new Rule 114 is to enhance the depth, liquidity and stability of Exchange markets for stocks, bonds and warrants by imposing affirmative and negative obligations to the market on Registered Traders who wish to register as Registered Equity Market Makers ("REMMs") in particular securities ("registered securities"). Such traders, when trading registered securities for their own account or the account of their member organization would be required to engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and would be prohibited from entering into transactions inconsistent with such a course of dealings.

A REMM when dealing for his own account, would be required to engage in transactions in his registered securities where there exists a lack of price continuity or depth or a temporary disparity between supply and demand for that security. Under objective circumstances defined by the proposed rule, REMM's would be expected to bid and/or offer in order to better the market or add depth to the market for

a particular stock to a specified degree. Further, a REMM would be required to comply with restrictions on "reaching across" the market, in addition to the stabilization requirements traditionally imposed on Registered Traders. Members registered as REMM's would be required to be on the floor a substantial amount of time, and must be generally available during that time to discharge their market making obligations under the rule.

A REMM may be called into the trading crowd for any of his registered securities at any time, by a Floor Official or a Floor Broker holding a customer's order to assist in providing market depth and liquidity. In such cases, the REMM would be required, at a minimum, to add at least one trading unit of depth to the bid or offer, as the case may be, that the specialist was quoting for his own account. A REMM's market-making obligations to his registered securities would be a continuing one as long as he is so registered.

In order to assist the Exchange in administering and enforcing the provisions of proposed Rule 114, Commentary 06 to the proposed rule would require REMMs to file reports with the Exchange on a daily basis. The Trading Analysis Division of the Exchange will review these reports daily and compare them with other Exchange records to monitor compliance with the rule.

Floor traders who qualify under Rule 114 would be considered market makers in their registered securities under the Exchange Act and it is contemplated that trades executed under the rule in such securities would be exempt from section 11(a)(1) of the Act by virtue of the market making exemption of section 11(a)(1)(A).

AMEX STATEMENT OF BURDEN ON COMPETITION

The Amex has determined that no burden on competition will be imposed by the amendment to the proposed rule change.

In submitting this amended rule proposal, Amex requests that the Commission order approval thereof prior to May 1, 1978, the effective date of section 11(a)(1) of the Act with respect to transactions on a national securities exchange effected by any member of such an exchange who was a member on May 1, 1975. To accomplish this, the Commission could accelerate approval of SR-Amex-78-10 upon a finding of good cause (and publication of the reason(s) for so finding) pursuant to section 19(b)(2) of the Act. Alternatively, the Commission could put the proposed rule change into effect summarily in accordance with section 19(b)(3)(B) of the Act. That provision permits the Commission to order effectiveness of an exchange rule proposal summarily (subject to summary abrogation of the proposed rule change within sixty days of the date of filing) if it appears to the Commission that such action is necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds. Thereafter, the rule summarily put into effect is to be refiled and reconsidered by the Commission pursuant to sections 19(b) (1) and (2).

Although the Commission has determined at this point to publish notice of SR-Amex-78-10 as amended, pursuant to section 19(b)(1) of the Act, that action does not preclude he Commission's invoking at a later date either statutory alternative to approve, or put summarily into effect, the amended rule proposal on or before May 1, 1978.

On or before June 2, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 10549. 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 submission should refer to the file number referenced in the caption above and should be submitted on or before May 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 26, 1978.

[FR Doc 78-11744 Filed 4-27-78; 8:45 am]

[8010-01]

[Release No. 34-14706; File No. SR-NYSE-78-24]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Changes

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. 97-29, 16 (June 4, 1975), notice is hereby given that on April 26, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed amendments to new Rule 107.

NYSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED AMENDMENTS

Rule 107 as originally filed with the Commission (SR-NYSE-78-24) and the revisions in this Amendment No. 1 are summarized below. Sections of the rule which are new in the revision are italicized. The registered competitive market-maker (RCMM):

—Must register with the Exchange.
—Must have minimum net capital of $25,000 and be able to pass an RCMM examination (although the examination can be taken after May 1).
—Can withdraw his registration after giving 10 days written notice.
—*Can act as a Floor Broker, but cannot act as both a Floor Broker and an RCMM in the same stock in the same trading session and, when acting as a Floor Broker, can only execute market or limited price orders (i.e., cannot execute "not held" orders).*
—Cannot act as a Competitive Trader and an RCMM in the same security in the same trading session.
—Must engage in a course of dealings in a manner consistent with the maintenance, so far as reasonably practicable, of a fair and orderly market whenever he is bidding or offering in a stock for his own or firm's account.
—Must effect all purchases and sales for his own or firm's account in a manner that will contribute to the maintenance of price continuity with reasonable depth and that will minimize the effects of a temporary disparity between supply and demand.
—*In all dealings on the Floor or when called upon by a Floor Official or any Floor broker holding an unexecuted customer's order in any stock must make a bid or offer that will either narrow the existing spread in the stock, or improve the depth of the prevailing quote. (Under the above provision, Floor brokers will not have the right to call upon more than three RCMMs. Also a specialist may request a Floor Official to consider calling upon an RCMM with respect to DOT orders he holds).*
—*Will be required to file Floor report whenever asked to discharge obligations.*
—*Is generally restricted from reaching across the market in a destabilizing manner. However, a number of exceptions to this prohibition are in the Rule, e.g., an RCMM may buy stock to establish a position on a "zero plus" tick at the offer at or*

below the previous close in markets where the quote is only an eighth (e.g., the bid is 25 and the offer is 25⅛) but the RCMM may only buy 50% of the stock offered at 25⅛. Similar exceptions are provided for liquidating positions. A report of trades effected under these exceptions will be required.

—*May liquidate a position at a loss at any time.*

—Will be required to file Form 81 Reports on periodic call *but in all cases whenever having purchased or sold pursuant to a Floor Official or Floor broker's request, and effects a transaction or transactions on the other side of the market and at the same price with a specialist on the same day.*

—*Will not discharge obligations in a particular stock if they or their firm hold options in that stock (Rule 96) or where not financially able (Rule 435).*

A provision has been added to Rule 107, which would make the obligations in paragraphs B(2), (3) and (5) applicable to Bond transactions of 100 or more Bonds. Bond odd-lots are treated under proposed new Rule 80, which is the subject of another filing.

NYSE'S STATEMENT OF BASIS AND PURPOSE

The paragraph stating the purpose of proposed new Rule 107 is amended as follows:

Rule 107 imposes significant restrictions and obligations on the RCMM who initiates the purchase or sale of securities while on the Floor of the Exchange for his own account or for the account of his member organization. These restrictions and obligations are all designed to assure that the RCMM's course of dealings as an RCMM will contribute positively toward the maintenance of fair and orderly markets on the Exchange and will, therefore, be consistent with the protection of investors and the purposes of the Act and Section 11(a) thereof.

The basic provisions of the Rule will require of the RCMM a course of dealings which should contribute in a significant and positive manner to the quality of the market provided on the Exchange. Not only will the RCMM be required to engage generally in a course of dealings which will enhance the Exchange market, but, for the first time, a new category of Floor member—obligated to stand ready to compete with the registered specialist in each and every equity security traded on the Exchange—will be created. This obligation, as set forth in 107B(4) and in .10 of the supplementary material following the Rule represents potentially a positive contribution to the depth and liquidity of the equity securities markets on the Exchange Floor.

Floor brokers may request bids and offers from RCMM's when the market being quoted by the registered specialist appears to be unacceptable either from the standpoint of price or depth. In addition, Floor Officials can be expected to call upon RCMM's to assist in the market making function as contemplated by the Rule whenever the Floor Official, in his professional judgment, considers that additional market making capacity should be provided with respect to a given equity security.

These obligations imposed on RCMM's extend to every equity security traded on the Floor. Thus, in a sense, the RCMM's responsibility to the Exchange market may be greater than that of the specialist. The latter, while his responsibilities to those specific stocks in which he is registered may be said to be greater and more comprehensive than are the restrictions and obligations imposed by the Rule, has no such responsibility as to other stocks traded on the Exchange. On the other hand, the RCMM is required by the Rule to deal in accordance with its provisions as to every Exchange listed equity security, not just as to specific stocks or only those traded at a given post or within a particular zone.

The Exchange believes that the RCMM who initiates the purchase or sale of securities while on the Exchange Floor (either for his own account or for the account of his member organization) as provided in the rule will be "acting in the capacity of market maker" within the meaning of section 11(a)(1)(A) of the Act.

The term "market maker" is defined in Section 3(a)(38) of the Act to include "any dealer who, with respect to a security, holds himself out (by entering quotations in an interdealer communications system or otherwise) as being willing to buy and sell such security for his own account on a regular or continuous basis."

The Rule justifies the RCMM's claim to the exemption from Section 11(a)(1) provided by Subparagraph (A) thereof because, overall, the couse of dealings required of the RCMM by the Rule will be beneficial to the market by increasing depth and liquidity and by enhancing competition within the market making function. These objectives are basic to the major purposes of the Act as amended by the Securities Acts Amendments of 1975. Thus, they are consistent with the purposes of Section 11(a) and the protection of investors.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

This section is amended as follows:

The proposed new rule relates to section 11(a) of the Securities Exchange Act of 1934, as discussed in response to Item 3 above. The proposed new rule relates to section 6(b)(1) of the Act in that it would assist the Exchange in carrying out the purpose of the Act and to comply and to enforce compliance by its members with the provisions of the Act and the rules thereunder. Finally the proposed new rule relates to section 6(b)(3) of the Act in that it will aid in the protection of investors and the public interest by providing a mechanism that can aid in reducing volatile price fluctuations.

NYSE'S STATEMENT OF BURDEN ON COMPETITION

This section is amended as follows:

The Exchange does not believe that proposed new Rule 107 will impose any burden on competition not necessary in furtherance of the purposes of the Act. Rather, the Exchange believes the proposed new Rule 107 will further competition in market-making on the floor of the Exchange.

In submitting this amended rule proposal, NYSE requests that the Commission order approval thereof prior to May 1, 1978, the effective date of section 11(a)(1) of the Act with respect to transactions on a national securities exchange effected by any member of such an exchange who was a member on May 1, 1975. To accomplish this, the Commission could accelerate approval of SR-NYSE-78-24 upon a finding of good cause (and publication of the reason(s) for so finding) pursuant to section 19(b)(2) of the Act. Alternatively, the Commission could put the proposed rule change into effect summarily in accordance with section 19(b)(3)(B) of the Act. That provision permits the Commission to order effectiveness of an exchange rule proposal summarily (subject to summary abrogation of the proposed rule change within sixty days of the date of filing) if it appears to the Commission that such action is necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds. Thereafter, the rule summarily put into effect is to be refiled and reconsidered by the Commission pursuant to sections 19(b)(1) and (2).

Although the Commission has determined at this point to publish notice of SR-NYSE-78-24, as amended, pursuant to section 19(b)(1) of the Act, that action does not preclude the Commission's invoking at a later date either statutory alternative to approve, or put summarily into effect, the amended rule proposal on or before May 1, 1978.

On or before June 2, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, 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 May 19, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 26, 1978.

[FR Doc. 78-11745 Filed 4-27-78; 8:45 am]

[4710-09]

DEPARTMENT OF STATE

[Public Notice 595]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

1978 Foreign Fishing Allocations by Nation

These tables show the 1978 foreign fishing allocations by nation made by the Department of State and pursuant to section 201(e) of the Fishery Conservation and Management Act of 1976. They are designed to fit the spaces indicated for such allocations in the 1978 Foreign Fishing Regulations, published in the FEDERAL REGISTER November 28, 1977 (42 FR 60681).

Except as otherwise noted, these initial allocations are retroactively effective as of January 1, 1978.

Dated: April 24, 1978.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

TABLE I.—*Northwest Atlantic foreign fishing allocations by nation, 1978*

[Metric tons]

Nation	Silver hake	Red hake	Shortfinned squid	Longfinned squid	Atlantic mackerel	River herring[1]	Butterfish	Other finfish
Bulgaria	830	20	196	10	11	5	2	430
Cuba	4,530	2,080	10	190	70	30	40	2,765
European Economic Community								
Federal Republic of Germany	20	20	10	500	6	2	105	225
France	20	20	1,000	10	11	5	2	425
Italy	20	20	980	1,640	28	12	345	1,080
German Democratic Republic	0	0	0	0	0	0	0	
Japan	20	20	2,357	2,950	56	23	622	2,172
Mexico	20	20	2,006	3,000	105	44	1,263	4,076
Poland	20	20	3,275	320	38	16	67	1,474
Romania	0	0	0	0	0	0	0	0
Spain	20	20	7,000	5,000	125	52	1,053	4,886
U.S.S.R	37,390	23,160	3,672	380	672	279	80	26,220
Reserved	2,510	2,000	3,000	5,000	78	32	421	3,047
Initial TALFF	45,400	27,400	23,500	19,000	1,200	500	4,000	46,800

[1]Includes alewife, blueback herring, and hickory shad.

TABLE II.—*Washington, Oregon, California trawl fishery: Foreign fishing allocation by nation, 1978*

[Metric tons]

Nation	Pacific hake	Jack mackerel	Flounders	Rockfishes including Pacific Ocean perch	Sablefish	Other species
Mexico	15,000	100	30	230	30	144
Poland	8,700	1,950	10	80	10	51
U.S.S.R	50,300	1,950	50	400	50	250
Reserved	15,000	0	0	0	0	0
Initial TALFF	89,000	4,000	90	710	90	445

TABLE IV.—*Gulf of Alaska trawl fishery: Foreign fishing allocation by nation, 1978*

[Metric tons]

Nation	Pollock	Pacific Ocean perch	Other rockfishes	Flounders	Sablefish[1]	Atka mackerel	Pacific cod[1]	Squid	Other species
Japan	28,800	4,650	1,000	15,800	6,950	2,000	6,200	30	4,030
Mexico	10,000	1,596	744	100	100	100	4,000	745	2,000
Poland	3,900	630	126	100	50	1,030	350	10	395
Republic of Korea	19,870	3,203	675	100	800	100	100	20	1,535
U.S.S.R	44,770	7,225	1,535	1,500	100	21,570	2,330	50	5,000
Reserved	10,000	1,596	0	0	0	0	4,000	745	0
Initial TALFF	117,340	18,900	4,080	17,600	8,000	24,800	16,980	1,600	12,960

[1]Central and Western Gulf of Alaska.
[2]Sable and Pacific cod are subject to revision.

TABLE V.—*Bering Sea and Aleutians Islands trawl and herring gillnet fishery: Foreign fishing allocations by nation, 1978*

[Metric tons]

Nation	Cod	Pollock	Yellowfin sole	Other flounders	Herring	Atka mackerel	Snails	Squid
Japan	38,850	792,300	63,900	83,800	2,580	2,000	3,000	9,870
Republic of Korea	100	60,000	100	100	20	100	0	50
Republic of China	50	5,000	50	50	10	100	0	10
U.S.S.R	17,500	92,700	41,950	55,050	6,060	22,600	0	70

TABLE V.—*Bering Sea and Aleutians Islands trawl and herring gillnet fishery: Foreign fishing allocations by nation, 1978*—Con

Nation	Cod	Pollock	Yellowfin sole	Other flounders	Herring	Atka mackerel	Snails	Squid
Reserved	0	0	0	0	0	0	0	0
Initial TALFF	56,500	950,000	106,000	139,000	8,670	24,800	3,000	10,000

	Pacific Ocean perch		Tanner crab,[1]	Sablefish		Other Species	
	Bering Sea	Aleutians	Bering Sea	Bering Sea	Aleutians	Bering Sea	Aleutians
Japan	3,100	6,200	15,000	1,870	1,170	45,415	25,900
Republic of Korea	300	700	0	200	125	2,800	1,600
Republic of China	25	50	0	65	40	240	135
U.S.S.R.	3,075	8,050	0	265	165	11,145	6,365
Reserved	0	0	0	0	0	0	0
Initial TALFF	6,500	15,000	15,000	2,400	1,500	59,600	34,000

[1]Preliminary allocation. Japan notified Mar. 4, 1978.

TABLE III.—*Western Pacific Ocean seamount groundfish fishery: foreign fishing allocation by nation, 1978*

[Metric tons]

Nation	Pelagic armorhead, alfonsins, and other groundfish
Japan	1,000
U.S.S.R.	1,000
Reserved	0
Initial TALFF	2,000

NOTE.—Foreign nations notified Feb. 8, 1978.

TABLE VI.—*Atlantic and Gulf of Mexico billfish and sharks: Foreign fishing allocations by nation, 1978*

[Metric tons]

Nation	Billfish	Sharks[1]
Cuba	0	1,000
Reserved	0	150

[1]Allocated Apr. 24, 1978.

[FR Doc. 78-11575 Filed 4-27-78; 8:45 am]

[4710-07]

[Public Notice CM-8/50]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The Working Group on Radio Communications of the Shipping Coordinating Committee's (SEC) Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 1:30 p.m. on May 18, 1978 in Room 8442 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Nineteenth Session of the Subcommittee on Radio Communications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London September 4-8, 1978. In particular, the Working Group will discuss the following topics:

Code of Safety Requirements for Mobile Offshore Drilling Units.

Operational Standards for Shipboard Radio Equipment.

Operational Requirements for Emergency Position-Indicating Radio Beacons and Portable Radio Apparatus for Survival Craft.

Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the Work of the International Radio Consultative Committee.

Requests for further information should be directed to Lt. F. N. Wilder, United States Coast Guard (G-OTN/74), Washington, D.C. 20590, telephone 426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

APRIL 24, 1978.

[FR DOC. 78-11550 Filed 4-27-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TRIGGER BASE PRICES AND "EXTRAS" FOR IMPORTED STEEL MILL PRODUCTS

I am hereby announcing additional trigger base prices and "extras" for imported steel mill products. These trigger prices pertain to certain steel wire, barbed wire and cold finished bars, rails and alloys. The Treasury Department will use these trigger prices to monitor imports of basic steel mill products in connection with the "trigger price mechanism." A description of the trigger price mechanism may be found in the "Background to the final rulemaking which amended regulations to require the filing of a Special Summary Steel Invoice (SSSI) with all entries of imported steel mill products (43 FR 6065).

These base prices and extras are based upon evidence made available to the Treasury Department by the Japanese Ministry of International Trade and Industry (MITI), as well as other information available to the Department. The methodology used in developing these trigger prices is essentially the same as that described in the FEDERAL REGISTER notice of January 9, 1978 (43 FR 1464). However, these trigger prices are based upon the production costs of the smaller Japanese fabricating mills, rather than the six integrated Japanese steel mills.

The trigger prices being announced today will be used by the Customs Service to collect information at the time of entry on all shipments of the products covered which are exported after the date of publication of this notice. However, the following rules will be applied to entries of these products covered by contracts with fixed price terms concluded before the publication date of this notice:

1. Contracts with fixed price terms between unrelated parties: If the importer documents at or before the time of entry that the shipment is being imported under such a contract with an unrelated party, the entry will not trigger an investigation even if the sales price is below the trigger price, provided that entry is made on or before June 30, 1978. However, failure to initiate an investigation will not diminish the right of affected interested persons to file a complaint with respect to such imports under the established procedures for antidumping cases.

2. Contracts between related parties: If the importer documents at the time of entry that the shipment is being imported under a contract with a related party and the shipment is to be resold to an unrelated purchaser in the United States under a contract with fixed price terms concluded

before the publication date of this notice, the entry will not trigger an investigation even if the sales price is below the trigger price, provided that delivery is made on or before June 30, 1978.

While these sales will not as a rule trigger a self-initiated antidumping investigation, information concerning such sales will be kept as a part of the information in the monitoring system and will be available in the event that an antidumping petition is filed with respect to such products sold by that producer or the Treasury Department decides to self-initiate an antidumping investigation of such products based upon subsequent sales.

Dated: April 21, 1978.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

TABLE 2-11.—*Spheroidized Annealed, Mo Alloy Steel Wire Rod, AISI 4037, 5.5 to 13 mm*

CATEGORY AISI 2

Tariff schedule number(s) 608.7880—0.375 cent per pound plus 4 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $466]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$58	$3	$10
Gulf coast	69	5	13
Atlantic coast	72	4	14
Great Lakes	79	4	17

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 2-12.—*Spheroidized Annealed, Si-Mn-Cr High Carbon Steel Wire Rod, AISI 9254, 5.5 to 13 mm*

CATEGORY AISI 2

Tariff schedule number(s) 608.7880—0.375 cent per pound plus 4 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $446]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$58	$3	$10
Gulf coast	69	5	13
Atlantic coast	72	4	13
Great Lakes	79	4	16

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 2-13.—*Spheroidized Annealed, High Carbon Cr Steel Wire Rod, AISI 52100, 5.5 to 13 mm*

CATEGORY AISI 2

Tariff schedule number(s) 608.7865—0.375 cent per pound plus 4 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $513]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$58	$3	$11
Gulf coast	69	5	15
Atlantic coast	72	4	15
Great Lakes	79	4	18

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 6-3.—*Light Rails, 60 lb/yd*

CATEGORY AISI 6

Tariff schedule number(s) 610.2020—0.05 cent per pound.

[Base price per metric ton, $292]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$33	$9	$6
Gulf coast	35	9	8
Atlantic coast	38	9	8
Great Lakes	44	9	10

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: Size.

TABLE 6-4.—*Light rail extras*

Size (pounds per yard)	Percent of base price extra
60	0.0
45	2.0
40	3.9
30	3.9
25	5.9
20	5.9

TABLE 6-5.—*Tie Plates*

CATEGORY AISI 6

Tariff schedule number(s) 610.2500 cent per pound.

[Base price per metric ton, $299]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$39	$8	$6
Gulf coast	39	1	8
Atlantic coast	49	8	9
Great Lakes	54	8	11

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 11-1.—*Hot rolled, Ni-Cr-Mo Alloy Steel Round Bar, AISI 8620, 40 mm*

CATEGORY AISI 11

Tariff schedule number(s) 608.5240—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $391]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$49	$3	$9
Gulf coast	51	5	12
Atlantic coast	63	4	12
Great Lakes	79	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 11-2.— *Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100, 40 to 100mm*

CATEGORY AISI 11

Tariff schedule number(s) 608.5225—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $437]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$49	$3	$10
Gulf coast	51	5	13
Atlantic coast	63	4	13
Great Lakes	79	4	17

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 12-1.—*Cold Finished Carbon Steel Round Bar, AISI 1018, 19.05 mm (¾ in.)*

CATEGORY AISI 12

Tariff schedule number(s) 608.5015—8½ percent.

[Base price per metric ton, $361]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$30	$3	$8
Gulf coast	35	5	10
Atlantic coast	40	4	10
Great Lakes	58	4	13

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: Size, see table 12-4.

TABLE 12-2.—*Cold Finished Round Steel Bar (Free Cutting Steel-Sulfur), AISI 1215, 19.05 mm (¾ in)*

CATEGORY AISI 12

Tariff schedule number(s) 608.5005—8½ percent.

[Base price per metric ton, $408]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$30	$3	$9
Gulf coast	35	5	11
Atlantic coast	40	4	12
Great Lakes	58	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: Size, see table 12-4.

TABLE 12-3.—*Cold Finished Round Steel Bar (Free Cutting Steel-Lead), AISI 12L14, 19.05 mm (¾ in)*

CATEGORY AISI 12

Tariff schedule number(s) 608.5005—8½ percent.

[Base price per metric ton, $428]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$30	$3	$9
Gulf coast	35	5	12
Atlantic coast	40	4	12

Charges to CIF	Ocean freight	Handling	Interest
Great Lakes	58	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: Size, see table 12-4.

TABLE 12-4.—*Size Extras for Cold Finished Steel Bars (Dollars) Extra per M.T.)*

Size	Shape	
	Round	Hexagon
Up to 5/16 in including	63	154
Over 5/16 through 9/16 in	42	83
Over 9/16 through 7/8 in	33	50
Over 7/8 through 5/8 in	17	33
Over 5/8 through 7/8 in	Base	8
Over 7/8 through 1 3/16 in	8	17
Over 1 3/16 through 1 3/4 in	13	29
Over 1 3/4 through 2 1 3/16 in	17	42
Over 2 1 3/16 through 3 in	25	
Over 3 through 3 3/4 in	33	
Over 3 3/4 through 4 in	42	

TABLE 14-15.—*Welded Stainless Steel Pipe, ASTM-A312, TP 304, NB 3 in by Sch. 109*

CATEGORY AISI 14

Tariff schedule number(s) 610.3715—0.3 cent per pound plus 4 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $1,874]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$59	$3	$37
Gulf coast	86	5	49
Atlantic coast	86	4	49
Great Lakes	86	4	60

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 14-16.—*Welded Stainless Steel Round Ornamental Tube, AISI TP 304, 1⅛ by 0.065 in*

CATEGORY AISI 14

Tariff schedule number(s) 610.3715—0.3 cent per pound plus 4 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $1,689]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$59	$3	$34
Gulf coast	86	5	44
Atlantic coast	86	4	44
Great Lakes	86	4	55

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: (A) Size; (B) grade.

TABLE 14-17.—*Size Extras for Welded Stainless Steel Ornamental Round Tube, (TSUSA 610.3715)*

Size (inches)		
OD	WT	Percent of base price extra
1⅛	0.065	Base
1½	.065	0.6
1¼	.065	2.8
1	.065	3.8
¾	.065	11.1

Grade	Dollars extra per M.T.
AISI 304	Base
AISI 410	−417
AISI 430	−500

TABLE 15-44.—*Hot Rolled, High Carbon CR Steel Tube, Suitable for Use in Manufacture of Ball or Roller Bearings, AISI 52100, 60 to 100 mm*

CATEGORY AISI 15

Tariff schedule number(s) 610.4600—13 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $534]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$63	$3	$12
Gulf coast	69	5	16
Atlantic coast	85	4	16
Great Lakes	94	4	21

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 15-45.—*Cold Rolled, High Carbon CR Steel Tube, Suitable for Use in Manufacture of Ball or Roller Bearings, AISI 52100, 60 to 100 mm*

CATEGORY AISI 15

Tariff schedule number(s) 610.4600—13 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $792]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$63	$3	$18
Gulf coast	69	5	23
Atlantic coast	85	4	23
Great Lakes	94	4	29

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 15-46.—*Seamless Stainless Steel Round Ornamental Tube, AISI TP 304, 1¼ by 0.049 in*

CATEGORY AISI 15

Tariff schedule number(s) 610.5235—13 percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $1,798]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$59	$3	$39
Gulf coast	86	5	50
Atlantic coast	86	4	50
Great Lakes	86	4	62

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: (A) Size; (B) grade.

TABLE 15-47.—*Size Extras for Seamless Stainless Steel Round Tube (TSUSA 610.5235)*

Size (inches)		
OD	WT	Percent of base price extra
1¼	0.049	Base
1	.049	0.9
¾	.049	4.4

Grade	Dollars extra per M.T.
AISI 304	Base
AISI 410	−417
AISI 430	−500

TABLE 15-48.—*Seamless Stainless Steel Square Ornamental Tube, AISI TP 304, 1½ by 1½ by 0.065 in*

CATEGORY AISI 15

Tariff schedule number(s) 610.5235—13Percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $1,959]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$59	$3	$42
Gulf coast	86	5	55
Atlantic coast	86	4	55
Great Lades	86	4	68

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: (A) Size; (B) grade.

TABLE 15-49.—*Size Extras for Seamless Stainless Steel Square Ornamental Tube*

Size by	Percent of base price extra
1½ by 1½ by 0.065 in	Base
1¼ by 1¼ by 0.065 in	2.6
1¼ by 1¼ by 0.049 in	3.2
1½ by 1½ by 0.065 in	2.7
1 by 1 0.065 in	2.8
1 by 1 0.049 in	3.5
⅝ by ⅝ by 0.049 in	8.0

Grade	Dollars extra per M.T.
AISI 304	Base
AISI 410	−417
AISI 430	−500

TABLE 16-1.— *Cold Heading Round wire, Hard Drawn, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105.0.3 cent per pound 609.4305 8½ Percent; 609.4315 8½ percent.

[Base price per metric ton, $400]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$8
Gulf coast	44	5	10
Atlantic coast	46	4	10

Charges to CIF	Ocean freight	Handling	Interest
Great Lakes	60	4	13

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-2.—*Cold Heading Round Wire, Drawn from Annealed Rods, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound, 609.4315 8½ percent.

[Base price per metric ton, $455]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$9
Gulf coast	44	5	12
Atlantic coast	46	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-3.—*Cold Heading Round Wire, Drawn from Spheroidized Annealed Rods, AISI 1018, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound, 609.4315 8½ percent.

[Base price per metric ton, $464]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$9
Gulf coast	44	5	12
Atlantic coast	46	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-4.—*Cold Heading Round Wire Annealed in Process, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound, 609.4315 8½ percent.

[Base price per metric ton, $468]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$9
Gulf coast	44	5	12
Atlantic coast	46	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-5.—*Cold Heading Round Wire, Spheroidize Annealed in Process, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound, 609.4315 8½ percent;

[Base price per metric ton, $477]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$9
Gulf coast	44	5	12
Atlantic coast	46	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13

TABLE 16-6.—*Cold Heading Round Wire, Annealed in Process and Drawn from Annealed Rods, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound, 609.4315 8½ percent;

[Base price per metric ton, $504]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$10
Gulf coast	44	5	13
Atlantic coast	46	4	13
Great Lakes	60	4	16

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-1.

TABLE 16-7.—*Cold Heading Round Wire, Spheroidize Annealed in Process and Drawn from Annealed Rods, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound, 609.4315 8½ percent;

[Base price per metric ton, $513]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$10
Gulf coast	44	5	13
Atlantic coast	46	4	13
Great Lakes	60	4	16

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-8.—*Cold Heading Round Wire, Annealed at Finished Size, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound 609.4315 8½ percent.

[Base price per metric ton, $455]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$9
Gulf coast	44	5	12
Atlantic coast	44	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-9.—*Cold Heading Round Wire Spheroidize Annealed at Finished Size, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound 609.4315 8½ percent.

[Base price per metric ton, $464]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$9
Gulf coast	44	5	12
Atlantic coast	44	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-10.—*Cold Heading Round Wire, Annealed at Finished Size and Drawn From Annealed Rods, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound 609.4315 8½ percent.

[Base price per metric ton, $490]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$10
Gulf coast	44	5	13
Atlantic coast	44	4	13
Great Lakes	60	4	16

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-11.—*Cold Heading Round Wire Spheroidize Annealed at Finished Size and Drawn from Annealed Rod, AISI 1018 Killed, 0.192 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4105 0.3 cent per pound, 609.4305 8½ percent; 609.4125 0.3 cent per pound 609.4315 8½ percent.

[Base price per metric ton, $500]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$41	$3	$10
Gulf coast	44	5	13
Atlantic coast	44	4	13
Great Lakes	60	4	16

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-12 and 16-13.

TABLE 16-12.—*Grade Extras for Cold Heading Wire*

grade	Dollars extra per M.T.
AISI 1006 killed through 1022 killed steel	Base
AISI 1010 rimmed steel	−12
AISI1038 killed steel	+16
AISI 10B21 killed steel	+20

TABLE 16-13.—*Size extras for cold heading wire (dollars extra per M.T.)*

Size (inches)	Processing No.* (1)	(2) and (3)	(4) through (7)	(8) through (11)
0.437 through 0.999	11	11	0	0
0.192 through 0.436	base	base	base	base
0.135 through 0.191	8	8	14	14
0.105 through 0.134	14	14	29	29
0.080 through 0.104	25	25	62	41
0.062 through 0.079	33	33	104	66

*Processing numbers and descriptions:
(1) Hard drawn.
(2) Drawn from annealed rods.
(3) Drawn from spheroidized annealed rods.
(4) Anneal in process.
(5) Speroidize anneal in process.
(6) Anneal in process and drawn from annealed rods.
(7) Spheroidize anneal in process and drawn from annealed rods.
(8) Anneal at finished size.
(9) Spheroidize anneal at finished size.
(10) Anneal at finished size and drawn from annealed rods.
(11) Spheroidize anneal at finished size and drawn from annealed rods.

TABLE 16-14.—*Bright Basic Round Wire, AISI 1008 Rimmed, 80*

CATEGORY AISI 16

Tariff schedule number(s) 609.4010—8½ percent; 609.4105—0.3 cents per pound; 609.4125—0.3 cents per pound.

[Base price per metric ton, $329]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$40	$3	$6
Gulf coast	42	5	8
Atlantic coast	45	4	8
Great Lakes	60	4	11

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-16 and 16-17.

TABLE 16-15.—*Galvanized Iron Round Wire, AISI Type I Coating, 80*

CATEGORY AISI 16

Tariff schedule number(s) 609.4040—8½ percent; 609.4165—0.3 cent per pound.

[Base price per metric ton, $414]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$40	$3	$8
Gulf coast	41	5	11
Atlantic coast	45	4	11
Great Lakes	60	4	13

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" tables 16-16 and 16-17.

TABLE 16-16.—*Size Extras for Bright Basic Wire and Galvanized Iron Wire*

Gauge	Dollars extra per M.T. Bright basic wire	Galvanized iron wire
8	Base	Base
9	6	12
10	8	16
11	10	22
12	12	31
13	16	39
14	20	47
15	29	60
16	37	72
17	45	89
18	54	106
19	64	127
20	77	147

TABLE 16-17.—*Packing Extras for Bright Basic Wire and Galvanized Iron Wire*

Packing description	Dollars extra per M.T.
Bare coil	Base
Paper wrapping	12
Polypropylane-backed paper wrapping	20
Paper and hessian wrapping	29

TABLE 16-18.—*Round Baling Wire, 1450*

CATEGORY AISI 16

Tariff schedule number(s) 609.4120—0.3 cent per pound.

[Base price per metric ton, $459]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$40	$3	$9
Gulf coast	41	5	12
Atlantic coast	45	4	12
Great Lakes	60	4	15

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 16-19.—*Bright Annealed Cold Drawn Stainless Steel Wire, AISI 304, 0.080 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4540—10 ½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $2,182]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$93	$3	$44
Gulf coast	109	5	57
Atlantic coast	109	4	57
Great Lakes	142	4	71

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: See "extras" table 16-20.

TABLE 16-20.—*Size Extras for Cold Drawn, Bright Annealed (or Annealed and Pickled) Stainless Steel Wire*

Size	Dollars extra per M.T.
0.200 in	−142
0.131 in	−79
0.080 in	Base
0.040 in	117
0.032 in	208
0.020 in	633
0.016 in	750
0.012 in	1,067
0.008 in	1,504

TABLE 16-21.—*Spring Hard Temper, Nickel Copper and Plastic Coat, Cold Drawn Stainless Steel Wire, AISI 302, 0.040 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4510—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $2745]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$93	$3	$55
Gulf coast	109	5	72
Atlantic coast	109	4	72
Great Lakes	142	4	89

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 16-22.—*Cold Heading Quality, Copper and Molybdenum Coat, Cold Drawn Stainless Steel Wire, ASTM 493A, KM-7, 0.131 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4540—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $2353]

Charges to CIF	Ocean freight	Handling	Interest
West coast	$93	$3	$47
Gulf coast	109	5	62
Atlantic coast	109	4	62
Great Lakes	142	4	77

Insurance 1 pct of base price plus extras plus ocean freight.
Extras: None.

TABLE 16-23.—*Cold Heading Quality, Copper and Molybdenum Coat, Cold Drawn Stainless Steel Wire, AISI 305, 0.131 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4540—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $2416]

Charge to CIF	Ocean freight	Handling	Interest
West coast	$93	$3	$48
Gulf coast	109	5	63
Atlantic coast	109	4	63
Great Lakes	142	4	79

Insurance 1 percent of base price plus extras plus ocean freight.
Extras: None.

TABLE 16-24.—*Cold Heading Quality, Copper and Molybdenum Coat, Cold Drawn Stainless Steel Wire, AISI 410, 0.131 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4540—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $1562]

Charge to CIF	Ocean freight	Handling	Interest
West coast	$93	$3	$31
Gulf coast	109	5	41
Atlantic coast	109	4	41
Great Lakes	142	4	51

Insurance 1 percent of base price plus extras plus ocean freight.
Extras: None.

TABLE 16-25.—*Cold Heading Quality, Copper and Molybdenum Coat, Cold Drawn Stainless Steel Wire, AISI 430, 0.131 in*

CATEGORY AISI 16

Tariff schedule number(s) 609.4540—10½ percent plus additional duties (see headnote 4, TSUS).

[Base price per metric ton, $1602]

Charge to CIF	Ocean freight	Handling	Interest
West coast	$93	$3	$32
Gulf coast	109	5	42
Atlantic coast	109	4	42
Great Lakes	142	4	52

Insurance 1 percent of base price plus extras plus ocean freight.
Extras: None.

TABLE 21-1.—*Barbed Wire, 2 Ply Iowa Type, 12.50*

CATEGORY AISI 21

Tariff schedule number(s) 642.0200 free.

[Base price per metric ton, $522]

West coast	$42	$3	$9
Gulf coast	50	5	12
Atlantic coast	55	4	12
Great Lakes	60	4	14

Insurance 1 percent of base price plus extras plus ocean freight.
Extras: None.

[FR Doc. 78-11368 Filed 4-27-78; 8:45 am]

[6720-01]

URBAN REINVESTMENT TASK FORCE

NEIGHBORHOOD PRESERVATION PROJECTS

INTRODUCTION

The Urban Reinvestment Task Force conducts programs designed to stimulate development of local partnerships of residents, lenders, and local governmental officials committed to stemming neighborhood decline. The task force is a joint effort of the heads of the Federal financial regulatory agencies—the Federal Home Loan Bank Board, Federal Reserve System, Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Administrator of National Credit Unions—and the Secretary of the U.S. Department of Housing and Urban Development.

Task force funding is provided by a HUD demonstration grant and the Federal Home Loan Bank System. The program is administered by the Office of Neighborhood Reinvestment of the Federal Home Loan Banks, based in Washington, D.C.

The task force is involved in several programs, neighborhood housing services (NHS), neighborhood preservation projects (NPP), and other neighborhood preservation programs growing out of successful NPPs. Each program involves the creation of a local partnership bringing together neighborhood residents, lenders, and other private sector representatives and local government. Task force staff plays an active role in seeking out resources for neighborhoods from a broad range of public and private entities.

NEIGHBORHOOD PRESERVATION PROJECTS

The urban reinvestment task force is participating in the developmental funding of a limited number of selected demonstrations involving a partnership of neighborhood residents, lenders, and other private sector representatives and local government, called neighborhood preservation projects. The task force is identifying, monitoring, and evaluating locally developed neighborhood preservation programs which show promise of potential replicability in other cities. Those programs selected receive modest demonstration grants and technical assistance from task force staff.

Projects may be supportive of the neighborhood housing services programs or they may offer other practical approaches to stabilizing and improving the neighborhood environment. Those preservation programs that are successful will be offered to other cities as models which they can use to treat specific problems in their neighborhoods.

PROGRAM AREAS FOR NEIGHBORHOOD PRESERVATION PROJECTS

In addition to programs which affect the physical environment, the task force is seeking preservation strategies that deal with broader issues related to the social and economic fabric of urban neighborhoods.

The task force will consider for selection as a neighborhood preservation project applications which address (but are not limited to) one or more of the following areas:

1. Innovative financing mechanisms or economic incentives to rehabilitate and stabilize apartment buildings.
2. Management services for small apartment buildings.
3. Redesign and conversion of residential, commercial, and public buildings for appropriate reuse in a neighborhood setting.
4. Alternative housing opportunities for the elderly, including shared space living, supportive community residence, and congregate housing.
5. Mechanisms to prevent the displacement of current residents of neighborhoods experiencing rapidly increasing housing costs.
6. Prepaid home maintenance services.
7. Neighborhood crime prevention strategies.
8. Home ownership development involving the participation of the real estate sector.
9. Strategies addressing educational needs in a neighborhood setting.

SELECTION CRITERIA FOR NEIGHBORHOOD PRESERVATION PROJECTS

1. The project should involve a partnership of neighborhood residents, the private sector, and local government.

2. Preference will be given to projects that are operational.

3. The project should be specific to a neighborhood or neighborhoods, and should be demonstrating success in upgrading that/those neighborhood(s).

4. Local government should be willing to allocate financial resources and technical assistance to the project.

5. Those responsible for the implementation of the project should have a demonstrated capability to perform successfully in the area of neighborhood preservation.

6. The project sponsors should be willing to provide information which can be analyzed by the task force or its participating agencies to judge the effectiveness of the project. Sponsors should also be willing to cooperate with the task force in assisting others who may wish to replicate their project.

APPLICATION PROCEDURE

Applications are being accepted on an ongoing basis. Cities or other governmental jurisdictions or nonpublic entities wishing to be considered for selection as a neighborhood preservation project should submit a formal application to the urban reinvestment task force. Application forms are available upon request.

The task force will review materials submitted and select promising submissions for field review. Following the field review, applications will be ranked according to their promise as demonstrations, and agreements will be entered into with the top ranking applicants, subject to the availability of task force resources.

Inquiries should be addressed to: Associate Director for Neighborhood Preservation Programs, 1120 19th Street NW., Suite 600, Washington, D.C. 20036.

WM. A. WHITESIDE,
Staff Director.

[FR Doc. 78-11598 Filed 4-27-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 647]

ASSIGNMENT OF HEARINGS

APRIL 25, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138741 (Sub-38), American Central Transport, Inc., now assigned May 3, 1978 at Chicago, Ill., will be held in Room 1669, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 105566 (Sub-152), Sam Tanksley Trucking, Inc., now assigned May 8, 1978, at Chicago, Ill., will be held in Room 1669, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 128270 (Sub-25), Rediehs Interstate, Inc., now assigned May 10, 1978, at Chicago, Ill., will be held in Room 1669, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 121489 (Sub-12), Nebraska-Iowa Express, Inc., now being assigned May 23, 1978 (2 days), for continued hearing at Omaha, Neb., and will be held in Room No. 616, Union Pacific Plaza, 1100 North 14th Street, 14th and Dodge.

MC 114132 (Sub-4), Churns Truck Lines, Inc., now assigned May 1, 1978 at Norfolk, Va., is postponed to June, 6, 1978 (1 week), at Norfolk, Va., in a hearing room to be later designated.

MC 18121 (Sub-Nos. 19 and 20), Advance Transportation Co., now assigned May 8, 1978 (5 days), at Madison, Wis., is cancelled and reassigned for prehearing conference on May 8, 1978 (1 day), at Madison, Wis., and will be held in C.I. Conference Room 125, U.S. Forest Product Laboratory.

AB 83 (Sub-1), Maine Central Railroad Co. Abandonment Between Ayers Junction and Eastport, in Washington County, Maine, now assigned May 3, 1978, at Baring (Calais), Maine is cancelled.

MC 96881 (Sub-18), Fine Truck Line, Inc., now being assigned July 11, 1978 (9 days), at Tulsa, Okla., in a hearing room to be later designated.

MC 78400 (Sub-53), Beaufort Transfer Co., now assigned May 15, 1978, at Sedalia, Mo., will be held in Room 201, at the Ramada Inn.

MC-C-9853, Consolidated Van Lines, Inc.—Investigation and Revocation of Certificate, now assigned May 8, 1978 at New York, N.Y., will be held in Room E-2222, Federal Building, 26 Federal Plaza.

MC 133689 (Sub-153), Overland Express, Inc., now assigned May 9, 1978, at New York, N.Y., will be held in Room E-2222, Federal Building, 26 Federal Plaza.

MC 78276 (Subs-9 and 11), Mazzeo & Sons Express, now assigned May 10, 1978, at New York, N.Y., will be held in Room E-2222, Federal Building, 26 Federal Plaza.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11636 Filed 4-27-78; 8:45 am]

[7035-01]

[Docket No. AB-1 (Sub-No. 34)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO. ABANDONMENT BETWEEN NORFOLK, NEBR., AND WINNER, S. DAK., IN MADISON, PIERCE, ANTELOPE, KNOX AND BOYD COUNTIES, NEBR., AND GREGORY AND TRIPP COUNTIES, S. DAK.

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on March 22, 1978, a finding, which is administratively final, was made by the Commission, Division 2, acting as an Appellate Division, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977), the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Co. of its line of railroad extending from railroad milepost 2.9 near Norfolk, NE, in a northwesterly direction to the end of the branch line at milepost 175.3 at Winner, SD, a distance of 172.4 miles, in Madison, Pierce, Antelope, Knox, and Boyd Counties, NE, and Gregory and Tripp Counties, SD. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such

period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11633 Filed 4-27-78; 8:45 am]

[7035-01]

FOURTH SECTION APPPLICATION FOR RELIEF

APRIL 25, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC on or before May 15, 1978. FSA No. 43534, Southwestern Freight Bureau, Agent's No. B-740, rates on lime, from stations in Arkansas, Missouri, Oklahoma, and Texas, to stations in Louisiana; also, returned shipments in the reverse direction, in sup. 30 to its tariff 227-L, ICC 5198, to become effective June 4, 1978. Grounds for relief—rate relationship and returned shipments.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11631 Filed 4-27-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Order

APRIL 21, 1978.

Grover Trucking Co. (MC-115904 and numerous subs), and Taggart Trucking Co. (MC-116542), under common control, have filed a petition for waiver of paragraph (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

We find: 1. That petitioners request for relief beyond that already provided by paragraph (c) as amended by Ex Parte MC-43 (Sub-No. 6) is not warranted.

It is ordered: 1. That waiver of paragraph (c) is denied.

Decided April 3, 1978.

By the Commission, Motor Carrier Leasing Board, Board Members Burns, Turkington, and Sibbald. Board Member Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11635 Filed 4-27-78; 8:45 am]

[7035-01]

[Notice No. 64]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

APRIL 18, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than 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 28956 (Sub-No. 19TA), filed March 29, 1978. Applicant: McKAY'S TRUCK LINE, INC., 908 N. Pacific Highway, P.O. Box 634, Albany, OR 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesium flux*, in bags and barrels, from the facilities of S. R. C., Corp., at Millersburg, OR, to the Alcoa plant at or near Addy, WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): S. R. C., Corp., 4920 Arnold Road, Millersburg, OR. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR 97204.

No. MC 34087 (Sub-No. 8TA), filed March 28, 1978. Applicant: NORMAN HILLS, R.D. No. 1, Route 60, Fredonia, NY 14063. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., division of H. J. Heinz Co., at or near Fremont, OH, to points in NY State and points in NJ on and north of Hwy 33, under a continuing contract, or contracts, with H. J. Heinz Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 53841 (Sub-No. 7TA), filed March 27, 1978. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, PA 16232. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and materials, equipment and supplies* used in the manufacture, sale and distribution of containers, from Cornplanter Township, Venango County, PA, to points in IL, IN, KY, MI, OH, AND WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Foster Forbes Glass-Division National Can Corp., Oil City, PA 16301. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 104430 (Sub-No. 50TA), filed March 27, 1978. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Hwy 24 West, McComb, MS 39648. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquified petroleum gas) (in bulk, in

tank vehicles), from Natchez, MS, to points in LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Delta Fuel Co., Inc., P.O. Box 469, Ferriday, LA 71334. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 106401 (Sub-No. 45TA), filed March 27, 1978. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, NC 28201. Applicant's representative: Thomas G. Sloan, P.O. Box 10877, Charlotte, NC 28234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, serving the facilities of Midland Glass Co., Inc., at or near Martinsville, VA, as an off-route point in connection with applicant's existing regular-route between Greensboro, NC, and South Hill, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 107403 (Sub-No. 1072TA), filed March 27, 1978. Applicant: MATLACK, INC., 10 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: *Liquid sugar, corn syrup, high fructose corn syrup and blends of liquid sugar with high fructose corn syrup of C. S.*, from Supreme, LA, to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Supreme Sugar Co., Inc., Suite 320 On Shell Square, New Orleans, LA 70139. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 109708 (Sub-No. 82TA), filed March 28, 1978. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, 2580 Executive Road, Dundee, Fla. 33828. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (in bulk, in tank vehicles), (1) from ports of entry on the United States-Canada boundary line located at NY, to Silverton, OH; and (2) from Silverton, OH, to Peoria, IL, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Hiram Walker & Sons, Inc., Foot of Edmund Street, Peoria, IL 61601. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53rd Terrace, Miami, FL 33166.

No. MC 110563 (Sub-No. 226TA), filed March 27, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Applicant's representative: Victor Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and usual meat description* (except hides and commodities in bulk), from Cleveland, OH, to points in CT, for 180 days. Supporting shipper(s): Dinner Bell Meats, Inc., 2699 East 51st Street, Cleveland, OH. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH.

No. MC 111302 (Sub-No. 120TA), filed March 27, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Applicant's representative: David A. Petersen, P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (in bulk, in tank vehicles), from the plantsite of Alpine Labs at or near Bay Minette, AL, to Bakersfield, Fresno and Richmond, CA; Gastonia, NC; Houston, TX; Greenville, MS, and Holyoke, MA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, AL 36507. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 115841 (Sub-No. 619TA), filed March 27, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Applicant's representative: Chester G. Groebel (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising materials and related items* when moving with foodstuffs, from Lawton, MI, to points in AR, KS, MO, NE, NM, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 124608 (Sub-No. 7TA), filed March 28, 1978. Applicant: WILLIAM GILCHRIST, 105 North Keyser Avenue, Old Forge, PA 18518. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, in vehicles not equipped with mechanical refrigeration, from North East, PA, and Westfield, NY, to points in the States of VA, TN, NC, SC, AL, GA, and FL, restricted to a transportation service to be performed, under a continuing contract, or contracts, with Welch Foods, Inc., Westfield, NY, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., Westfield, NY 14787. Send protests to: Paul J. Kenworthy District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 128273 (Sub-No. 293TA), filed March 28, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances and parts and acessories for household appliances*, from the facilities of General Electric Co. at Applicance Park and Louisville, KY, to points in the State of MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Electric Co., Building 10, Room 231, Appliance Park, Louisville, KY 40225. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 129032 (Sub-No. 47TA), filed March 27, 1978. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Applicant's representative: Jerry D. Garland, 6015 South 49th West Avenue, Tulsa, OK 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (except in bulk), in vehicles requiring mechanical refrigeration, from Plymouth, WI, to points in the State of CA, for 180 days. Applicant has also filed an underlying ETA seeking up to

90 days of operating authority. Supporting shipper(s): Borden Foods, Division of Borden, Inc., 180 East Broad Street, Columbus, OH 43215. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest, 3d, Oklahoma City, OK 73102.

No. MC 134286 (Sub-No. 49TA), filed March 20, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and skins and commodities in bulk), from the plantsite and/or storage facilities of Sioux Pack of Iowa located at or near Sioux City, IA, to points in ME, NH, VT, MA, NY, RI, CT, PA, NJ, WV, MD, DE, VA, NC, SC, GA, FL, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sid Raskin, Manager, Sioux Pack of Iowa, 1918 Jay Avenue, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 134467 (Sub-No. 29TA), filed March 27, 1978. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, and synthetic cheeses* (except commodities in bulk), from the plantsite and storage facilities of or utilized by the L. D. Schreiber Cheese Co., Inc., in Jasper, Newton, Barry, and Lawrence Counties of MO, to points in IN, MI, NJ, NY, OH, PA, MD, WV, and DC, for 180 days. Supporting shipper(s): L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, WI 54305. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135399 (Sub-No. 4TA), filed March 27, 1978. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, house heating boilers, glass lined tanks, and garbage disposals*, from Kankakee, IL, to points in TX, OK, LA, and AR, for 180 days. Supporting shipper(s): A. O. Smith Corp., P.O. Box 28, Kankakee, IL 60901. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 136268 (Sub-No. 10TA), filed March 28, 1978. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Applicant's representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Barberton, OH, to Monroe, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crandall, Inc., 250 Eighth Street, Monroe, WI 53566. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138157 (Sub-No. 64TA), filed March 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37410. Applicant's representative; Patrick E. Quinn, 2931 South Market Street, P.O. Box 9596, Chattanooga, TN 37410. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrated juice* (in drums), from the facilities of Ermey Vineyards, Inc., near Wapato, WA, to Dallas, TX; Clifton, NJ; Tampa, FL; Chicago, IL; Sodus, MI; Orlando, FL; Canajoharie, NY, and points in their commercial zones, for 180 days. Restriction: Restricted to traffic originating at the facilities of Ermey Vineyards, Inc., and destined to points in the named destinations. Supporting shipper(s): Ermey Vineyards, Inc., R.F.D. No. 1, Wapato, WA 98951. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 138308 (Sub-No. 44TA), filed March 27, 1978. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, MS 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile*, from Kankakee, IL, to Jackson, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armstrong Cork Co., Lancaster, PA 17604. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 139420 (Sub-No. 30TA), filed March 28, 1978. Applicant: ART GREENBERG, doing business as, GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain flour and edible cereal*, requiring further preparation, from the facilities of Roman Meal Co. at or near Fargo, ND, to Minneapolis, MN; Chicago and Rockford, IL, and Milwaukee, Madison, and Eau Claire, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporing shipper(s): Roman Meal Co., 2010 South Tacoma Way, Tacoma, WA 98409. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 140615 (Sub-No. 25TA), filed March 27, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Applicant's representative: Jacob P. Billig, 2033 K. Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Wisconsin Rapids, WI, to points in Alameda, Contra Costa, Fresno, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, and Stanislaus Counties, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cheez Co., Inc., 2323 Jefferson Street, Wisconsin Rapids, WI 54494. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 140693 (Sub-No. 15TA), filed March 27, 1978. Applicant: BEER TRANSPORTATION CO., R.D. 5, North Lincoln Highway, Vineland, NJ 08360. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite of Midland Glass Co., Inc., at or near Cliffwood, NJ, to Onondaga and

Oswego Counties, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Co., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 141914 (Sub-No. 33TA), filed March 29, 1978. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Applicant's representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden products, such as golf tees, cigar tips, and macrame beads*, from Guilford, ME, to points in and west of WI, IL, MO, AR, and LA (except UT and CA), for 180 days. Supporting shipper(s): Pride Golf Tee Co. Route 15, Guilford, ME 04443. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 142207 (Sub-No. 14TA), filed March 27, 1978. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, LA 70189. Applicant's representative: Bruce E. Mitchell, Serby & Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, insulation board, wallboard, posts, poles, piling, and charcoal*, from the plantsites and/or warehouse facilities of Weyerhaeuser Co., at or near Craig and Wright City, OK, and DeQueen, Dierks, Briar, and Mount Pine, AR, to points in AL, MS, LA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Co., P.O. Box 1060, Hot Springs, AR 71901. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 142287 (Sub-No. 5TA), filed March 27, 1978. Applicant: TOM YOUNKIN, INC., 821 Sandusky Street, Ashland, OH 44805. Applicant's representative: William A. Nearhood, 124 Church Street, Ashland, OH 44805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recreational equipment, sporting goods, games, toys, retail display racks, and stands*, between Ashland, OH, on the one hand, and, on the other, Atlanta, GA; Harrison, NJ, and Dallas, TX, under a continuing contract, or contracts, with Kent Sporting Goods Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kent Sporting Goods Co., 810 Orange Street, Ashland, OH 44805. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 142455 (Sub-No. 4TA), filed March 27, 1978. Applicant: RED LINE TRANSPORT CORP., 1303 Pulaski Highway, Edgewood, MD 21041. Applicant's representative: Jeremy Kahn, 733 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation, under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with bananas, from Baltimore, MD, to points in NJ, CT, MA, NH, NC, OH, RI, TN, VT, WV, MI, IN, and KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Peter Comtabad, Director of Inland Transportation, Chiquita Brands, Inc., 95 Chestnut Ridge Road, Montvale, NJ 07645. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B, Federal Building, Baltimore, MD 21201.

No. MC 143648 (Sub-No. 3TA), filed March 27, 1978. Applicant: CORALVILLE TRANSPORT, INC., R.R. No. 1, Lamont, IA 50650. Applicant's representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from the facilities of Map-Ren at or near East Dubuque, IL, to points in IA, WI, and MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mapco, Inc., Indian Point Division, Athens, IL 62613. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 143649 (Sub-No. 3TA), filed March 27, 1978. Applicant: FIGANBAUM TRUCKING, INC., Tripoli, IA 50676. Applicant's representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA, 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from the facilities of Map-Ren at or near East Dubuque, IL, to points in IA, WI, and MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mapco, Inc., Indian Point Division, Athens, IL 62613. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309..

No. MC 144378 (Sub-No. 1TA), filed March 27, 1978. Applicant: SKY CORP., P.O. Box 838, Bismarck, ND 58501. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except in bulk, and lumber, lumber products, and wood products), from MT, ID, WA, and OR, to ND, SD, and MN, under a continuing contract, or contracts, with Lavelle Lumber Co., for 180 days. Restriction: Restricted to a transportation service to be performed, under a continuing contract, or contracts, with Lavelle Lumber Co., Fargo, ND. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lavelle Lumber Co., 115 South 31st, Fargo, ND 58102. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building, and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 144454 (Sub-No. 1TA), filed March 27, 1978. Applicant: FRANK STOLLER CONSTRUCTION, INC., 1516 Washington Street, Algoma, WI 54201. Applicant's representative: Robert Spude, 605 North 3rd Street, Sturgeon Bay, WI 54235. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment, and supplies* (except commodities in bulk), used or useful in building, repair, or outfitting of marine vessels, from Algoma to Sturgeon Bay, WI, restricted to shipments that have prior movement by rail, under a continuing contract, or contracts, with Bay Shipbuilding Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bay Ship-building Corp., 605 North 3rd Avenue, Sturgeon Bay, WI (Robert Spude). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 144472TA, filed March 27, 1978. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 29th Place, Wheat Ridge, CO 80214. Applicant's representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, from Houston, TX, and Denver, CO, to points in CO, WY, MT, under a continuing contract, or contracts, with PPG Industries, Inc., Pittsburgh, PA, for 180 days. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 144498TA, filed March 28, 1978. Applicant: HIX TRANSPORT, INC., 4129 North 500 East, Van Buren, IN 46991. Applicant's representative: James E. Hix, 4129 North 500 East, Van Buren, IN 46991. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business (excluding commodities in bulk), in vehicles equipped with mechanical refrigeration, between the facilities of the Kroger Co. located at Columbus and Cincinnati, OH, to Nashville and Memphis, TN; Little Rock, AR; Dallas and Houston, TX, under a continuing contract, or contracts, with the Kroger Co. for 180 days. Supporting shipper(s): The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11632 Filed 4-27-78; 8:45 am]

[7035-01]

[Docket No. AB-12 (Sub-No. 39)]

SOUTHERN PACIFIC TRANSPORTATION CO.—ABANDONMENT—BETWEEN CONCORD AND DOUGHERTY, IN CONTRA COSTA COUNTY, CALIF.

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on March 16, 1978, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Co. of that portion of its San Ramon branch line extending from railroad milepost 42.6 near Concord, in a southerly direction to railroad milepost 62.1 near Dougherty, a distance of 19.5 miles, including the stations of Hookston, Las Juntas, Walnut Creek, Alamo, Danville and San Ramon, all in Contra Costa County, Calif. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abadonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11635 Filed 4-27-78; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products, Ex parte No. MC-85*, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before May 22, 1978. A copy must also be served upon applicant or its representative. Protest against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before May 30, 1978, subject to its tariff publication effective date.

P-7-78 (Special Certificate—Waste Products), filed March 10, 1978. Applicant: COPPES TRANSFER, INC., P.O. Box 718, Yarmouth, IA 52660. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap glass*, from the facilities of Goodwill Industries located in Des Moines, IA, to Streator, IL in furtherance of a recognized pollution control program sponsored by Goodwill Industries of Des Moines, IL for the purpose of transporting and recycling scrap glass.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-11630 Filed 4-27-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administation

[FRA Intercity Passenger Docket No. 1; Notice No. 1]

PROPOSED STATION PROGRAM COST SHARING DETERMINATION

AGENCY: Federal Railroad Administration, DOT.

ACTION: Proposed determination.

SUMMARY: This notice sets forth a proposed determination under section

703(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 853) ("the Act") of those facilities, systems, and components of railroad stations which constitute "nonoperational portions" and those facilities that constitute "related facilities". The proposed determination sets forth those systems, components, and facilities for the improvement of which non-Federal parties must bear at least one half the cost, with respect to any railroad station construction or rehabilitation project receiving funds under Title VII of the Act.

DATE: Comments must be received on or before June 12, 1978. Comments received after that date will be considered to the extent practicable.

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

FOR FURTHER INFORMATION CONTACT:

Principal Attorney, Christopher S. Moffitt, Office of Chief Counsel, 202-426-7737; or Principal Program Person, Hanan A. Kivett, Office of Engineering, Northeast Corridor Project, 202-472-4616.

SUPPLEMENTARY INFORMATION:

I. Background Information

Title VII of the Act provides for the upgrading by the Secretary of Transportation of the passenger railroad system between Washington, D.C. and Boston, Mass. Subparagraph 703 1(A)(i) mandates the accomplishment of designated trip time goals by February 4, 1981. Included in the upgrading program contemplated by the Federal Railroad Administation ("FRA") is the full Federal funding of certain station improvements. Subparagraph 703 (1)(B) of the Act sets forth as an additional goal of the program:

"The improvement of nonoperational portions of stations (as determined by the Secretary in consultation with the National Railroad Passenger Corporation ("Amtrak")) used in intercity passenger service and of related facilities and fencing * * *"

The subparagraph further excludes those improvements from full Federal funding by stating that "* * * fifty percent of the cost of such improvements shall be borne by States (or local or regional transportation authorities), except that the Secretary may, in his sole discretion, fund entirely any safety-related improvement."

The Secretary has delegated his authority under section 703 of the Act to the Federal Railroad Administrator (49 CFR 1.49(u)). Amtrak has been consulted about and has approved this proposed determination.

This notice sets forth the Department's proposed determination as to what will constitute a "nonoperational portion" of a station and a "related facility" for the purpose of allocating station project costs between the Federal Government and other participating entities. Because of the vagueness of those terms and the variety of fact situations to which they must apply, the proposed determination sets forth relatively broad definitions which FRA must apply to each specific station to be improved under this program.

Accordingly, the proposed determination would limit the cost shared portion of station projects generally to (i) station facilities which indirectly accommodate intercity rail passenger service, such as commuter ticketing and commuter support facilities, and (ii) facilities which are not part of a station, but which enhance the purposes of the project, such as parking facilities. Appendix A to this proposed determination sets forth in diagrammatic form, the extent to which certain station components are eligible to be built or improved with FRA funds.

II. Comments

Interested persons may submit written comments on this proposed determination to the address and before the date set forth in this notice. The comments will be taken into consideration by the Federal Railroad Administrator in issuing his final determination. However, formal acknowledgement of the comments will not be provided.

III. Environmental Impact

The National Environmental Policy Act ("NEPA", 42 U.S.C. 4332(2)(C)), implemented by guidelines of the Council on Environmental Quality (40 CFR 1500.5(c)) and by DOT Order 5610.1B, § 3.6, requires the Federal Railroad Administrator to assess the probable environmental impact of rulemaking actions. However, because of the mainly definitional nature of this proposed determination, and because of the funding contingencies that would affect every local application of it differently, the Federal Railroad Administration staff cannot at this time identify, let alone quantify, any probable environmental impacts of the proposed determination. The Administrator, therefore, has tentatively concluded that this proposed determination will not significantly affect the quality of the human environment. This position will be reassessed if a commenter suggests a valid basis for doing so before this proposed determination becomes final. Also, as required by the authorities cited above, the Administrator will make a new environmental impact assessment before any actual, major decision is made regarding the shared-cost funding of any particular portion of any station project.

Proposed Determination

1. A "nonoperational portion" of a station means any facility, system, or component of a station which indirectly facilities intercity rail passenger service. This includes, but is not limited to local rail transit and local bus facilities, and commuter ticketing and commuter support facilities.

2. A "related facility" means any facility which is not part of a station but the operation of which with respect to a station enhances the purpose of the station project.

(Sec. 703(1)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) as amended).

Dated: April 21, 1978.

John M. Sullivan,
Federal Railroad Administrator.

APPENDIX A

STATION COMPONENTS	ELIGIBILITY FOR FRA FUNDING: 100% FRA Operational	50% FRA Nonoperational	50%-100% FRA (Amount of FRA Contribution dependent upon benefit of facility to intercity rail)	50% FRA Related Facility	Non-FRA
A. Station Building					
Infrastructure	•				
Utility Systems	•				
Intercity Ticketing	•				
Intercity Personnel Support	•				
Commuter Ticketing		•			
Commuter Support Facs.		•			
Baggage Facilities					•
Intercity Employee Facs.	•				
Public Services	•				
Concessions					•
Waiting/Staging	•				
Circulation/Concourses	•				
Intercity Platforms	•				
Escalators	•				
Stairs	•				
Elevators	•				
Commuter Platforms			•		
Escalators			•		
Stairs			•		
Elevators			•		
Signing and Graphics	•				
Communications	•				
Security	•				
B. Station Access/Site					
Curbside Drop-Off/Pick-Up			•		
Sidewalks			•		
Entry/Exit Canopies	•				
Landscaping				•	
Local Bus Facs.		•			
Local Rail Facs.		•			
C. Parking					
Sidewalks				•	
Short Term Parking				•	
Long Term Parking				•	
D. Other Facilities					
Commercial/Office Facs.					•
Commissaries					•
Long Haul Platforms					•
Intercity Bus Facs.					•
Intercity Rail Regional Facs.					•

[FR Doc. 78-11571 Filed 4-27-78; 8:45 am]

[4910-06]

[FRA Emergency Order No. 8]

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD CO.

The Federal Railroad Administration (FRA), Department of Transportation, has determined that considerations of public safety necessitate the issuance of an emergency order prohibiting the further movement of placarded hazardous materials cars over the line of railroad operated by the New York, Susquehanna & Western Railroad Co. (NYSW).

NYSW operates a line of railroad between Jersey City, N.J. and Butler, N.J., a distance of approximately 35 miles. An additional 24 miles of track between Butler, N.J. and Sparta, N.J. is presently out of service. In January 1976, the NYSW filed a petition for reorganization under Section 77 of the Federal Bankruptcy Act with the Federal district court in Newark, N.J. The railroad consists of a single main-line track from milepost 3.5 near Croxton Station in Jersey City to milepost 11.0, located just west of the Little Ferry drawbridge. Between mileposts 11.0 and 21.8, near Riverside, N.J., the line consists of double main track. One of these tracks is designated as eastbound track; the other is designated as westbound track. From milepost 21.8 to the railroad's present terminal at Butler, the line is again single track territory. Train movements over the railroad at the present time are made in accordance with Rule 93, operations within yard limits. In accordance with that rule, which has been adopted as a federal standard by FRA, 49 CFR 218.35, train operations are conducted with the locomotive engineer prepared to stop within one-half of the range of his or her vision. In any event, under that rule train speed may not exceed 20 miles per hour.

FRA inspectors have inspected the track of the NYSW to determine its condition in relation to the Track Safety Standards (49 CFR Part 213) in the past several weeks. The FRA inspection revealed that the railroad installed the vast majority of the existing crossties in the period between 1929 and 1932. Particularly since filing reorganization in 1976, the NYSW has had no track maintenance program to allow for the replacement of defective crossties. Although FRA inspectors have, on several occasions, advised NYSW personnel of the requirements concerning inspections (49 CFR Part 213, Subpart F), NYSW admitted to FRA on April 20, 1978 that they have not designated anyone as qualified to inspect track, 49 CFR 213.7. They further admitted that no track inspections have been made by the NYSW for several years.

During the FRA inspections of the NYSW a significant number of locations where the track was not in compliance with the minimum federal standards were observed. Due to the age of the crossties, much of the railroad is not in compliance with the federal standards with respect to crossties.

FRA Track Safety Standards prescribe that the maximum allowable distance between nondefective ties for Class 1 track, which is the lowest class of track, authorizing a maximum operating speed of 10 miles per hour for freight trains, is 100 inches (49 CFR 213.109). Distances of 600 inches between nondefective ties were measured by FRA inspectors during their inspections. Numerous other locations where distances between nondefective ties exceeded 100 inches were also found by FRA during those inspections. Appendix A to this emergency order details the precise locations measured by FRA, together with the deviations found during those inspections. The conditions actually measured reflect the general condition of the rest of the track which FRA observed by hi-rail car between mileposts 3.5 and 27.0. Inspection by FRA of the Passaic and Lodi Branch lines also revealed numerous locations where the track was not in compliance with the minimum federal standards. Approximately thirty percent (30 percent) of these branch lines was covered with sod, preventing any actual observation of the tie conditions on those portions of the branch lines. Because of the age of the ties on both the mainline and branch line tracks, the lines will continue to deteriorate unless prompt remedial action is taken by the NYSW.

In addition to numerous areas of non-compliance with the requirements concerning crossties, there is a serious weakening of the sub-grade of the track between mileposts 3.5 (Croxton Station) and 9.1 (Little Ferry). Because of the low elevation of this portion of the NYSW, this track is occasionally submerged by water due to tidal intrusions and rainfall. The on-ground inspection of this track on April 14, 1978 disclosed that approximately 35 percent of the track was covered by mud and sod, which precluded actual measurement of portions of the track. However, as indicated on appendix A, where measurements were taken by FRA, significant deviations from the Standards were discovered.

The proper spacing of nondefective crossties, in connection with effective ballast, provides lateral and vertical support to the rail which is necessary to prevent trains from derailing. If the lateral support is not present, because ties are defective, the likelihood of wide gage occurring while the track is under load also increases greatly. Because of the large number of locations on NYSW line of railroad where adequate crossties are not provided, the possibilities for derailments increase significantly. During FRA's inspection of the NYSW, several areas where gage is in excess of the maximum prescribed by the federal standards were discovered. However, because of the defective crosstie conditions on the NYSW which fail to provide lateral support to the rails, numerous other locations where there would be the possibility of wide gage while the track was under load were also observed. In addition to the defective crosstie problem, the track between Croxton Station and Little Ferry has also been subjected to substantial saturation of the subgrade of the track. Thus, track in that area fails to provide either lateral or vertical support, which further increases the possibilities of derailments.

FRA's concern with the deteriorated condition of the NYSW led to a meeting between the two organizations on April 20, 1978. The NYSW did not dispute the findings of the FRA inspectors with respect to the condition of the track. The NYSW also admitted their failure to inspect the track and their failure to have established a program of restoration. However, the NYSW had developed a proposal for such a restoration project which they presented orally to FRA on April 20. They cautioned FRA, however, that the program was only a proposal and could not be implemented until both the trustee and the Bankrupcy Court had approved the plan. The NYSW indicated that it would be a minimum of three to four weeks before such approval was finally given, at which time the railroad could begin applying for funds necessary for the projects. Following FRA's concern with respect to the failure of the NYSW to have the track inspected by a qualified individual, the NYSW further agreed to implement a track inspection program. The NYSW further admitted that their present track maintenance program consists solely of performing only the work that is necessary to rerail a train and fix the track following a derailment.

While the FRA is somewhat encouraged because the NYSW has started to plan for the restoration of their track, the railroad is presently in such a deteriorated condition that derailments on the line occur almost daily. Approximately 10 percent of the traffic (906 cars of a total of 8,969 cars transported in 1977) over the line consists of cars containing materials which were required by Department of Transportation regulations to be placarded as hazardous materials. Included in the hazardous materials transported by the NYSW is anhydrous ammonia, liquid chlorine and ethylene oxide. Most of the hazardous materials traffic is handled between Croxton Station (Jersey City) and Hawthorne, N.J. According to the NYSW, approximately two-thirds (⅔) of the hazardous materials transported by the NYSW is delivered to shippers located on the Lodi Branch. While trains only operate at a speed of 10 miles per hour over the line of the NYSW, records of the railroad indicate that a total of 41 derailments occurred on the NYSW during the six month period between September 1, 1977 and February 28, 1978. Not included in this number of derailments are those derailments which involve only one wheel or one axle being derailed.

FRA recognizes that the NYSW provides a valuable service to the customers on its line. However, in the opinion of FRA, the continued transportation of cars containing hazardous materials over the NYSW railroad in its present deteriorated condition constitutes an unsafe condition and creates an emergency situation involving a hazard of death or injury to persons affected by the use of this line.

Therefore, pursuant to authority contained in section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), it is hereby ordered:

1. That all transportation of railroad cars containing a material which is required to be placarded in accordance with Department of Transportation regulations, 49 CFR Parts 170–189 ("placarded hazardous materials cars"), over the New York, Susquehanna & Western Railroad Co. shall cease not later than 12:01 a.m., Friday, April 28, 1978. However, any placarded hazardous materials car on that line at that time may continue to its final terminal.

2. This order shall remain in effect until the track is brought into compliance with the minimum Federal standards prescribed by the Track Safety Standards (49 CFR Part 213). This order does not authorize the New York, Susquehanna & Western to operate trains, which do not contain placarded hazardous materials cars, over track which is not in compliance with the Track Safety Standards. Any such operation may subject the NYSW to the imposition of the penalties prescribed by the Federal Railroad Safety Act of 1970 (45 U.S.C. 438).

3. Transportation of placarded hazardous materials cars over this line shall be and is prohibited by this order until the authorized designated official of the New York, Susquehanna & Western Railroad Co. has certified that the track has been brought into compliance with the Track Safety Standards and the line has been inspected by a representative of the Federal Railroad Aministration. Subject to these procedures, service over the line may be restored incrementally.

In consideration of the discussions between FRA and the NYSW, I have further determined that the above-stated order shall become effective according to its terms notwithstanding any provision in Part 216 of Title 49, Code of Federal Regulations. I have further determined that the action prescribed by this order is required immediately to assure the public safety.

An opportunity for formal review of this order will be provided in accordance with sections 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) and with section 554 of Title 5 of the United States Code. Petition for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 in accordance with 49 CFR 216.25.

A civil penalty of $2,500 will be assessed for any violation of this order (45 U.S.C. 438).Issued in Washington, D.C. on April 26, 1978.

JOHN M. SULLIVAN,
Administrator.

APPENDIX A.—*New York, Susquehanna & Western RR.*

Track inspected between mileposts	49 CFR 213 [1]
4.0 to 4.3	.109(38), maximum distance between nondefective ties—576 ft

Track inspected between mileposts	49 CFR 213 [1]
4.8 to 5.0	.109(35), maximum distance between nondefective ties—528 ft
5.9 to 6.1	.109(36), maximum distance between nondefective ties—600 ft
7.1 to 7.5	.109(36), maximum distance between nondefective ties—360 ft

[1]Numbers in parentheses are number of defects.

In an inspection of 1.1 miles of railroad, 145 deviations from the minimum Federal safety standards relating to crossties were discovered. Three locations where the crosslevel was measured at 5 inches (crosslevel can not exceed 3 inches in class 1 track) were also discovered by FRA inspectors in this segment of track. The track inspected was representative of the remainder of the track between milepost 3.5 (Jersey City) and 9.1 (Little Ferry). Due to the low elevation of this track, much of the track was covered by sod and mud. Additionally, this track is subject to substantial intrusions of water due to tides and rain fall. Three locations where there was a break out in the railhead were also observed in this segment of track.

Track inspected between mileposts	49 CFR 213 [1]
12.7 to 13.0	.19(16), maximum distance between nondefective ties—528 ft; westbound main. .109(20), maximum distance between nondefective ties—416 ft; eastbound main.
14.0 to 14.75	.109(71), maximum distance between nondefective ties—330 ft; westbound main. .109(53), maximum distance between nondefective ties—564 ft; eastbound main.
15.0 to 15.5	.109(42), maximum distance between nondefective ties—330 ft; westbound main. .109(13), maximum distance between nondefective ties—216 ft; eastbound main.
16.0 to 16.25	.109(23), maximum distance between nondefective ties—280 ft; westbound main.

Total miles of track inspected	Total number of defects found
2.35	238

[1]Numbers in parentheses are number of defects.

The track inspected was representative of the remainder of the track between mileposts 9.1 (Little Ferry) and 27.0 (Wyckoff). In addition to the crosstie defects, three locations with excessive gage were measured by FRA inspectors. At those locations, gage on a curve was measured at 58½ inches, 58¼ inches and 58½ inches. Maximum gage for Class 1 track is 57¾ inches on curved track. Because of the deteriorated tie conditions, the ties will no longer provide gage support and the possibility of wide gage under load exists at any location where these tie conditions exist.

Track inspected between mileposts	49 CFR 213 [1]
Branch lines—	
Passaic Branch: 0.0 to 1.5.	.63(2), .109(57), (120 to 444 ft), .113(4), .137(2).
Lodi branch: 1.0 to 2.0.	.63(2), .109(41), (120 to 288 ft), .113(1).

[1]Numbers in parentheses are number of defects.

[FR Doc. 78-11804 Filed 4-27-78; 10:24 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Election Commission	2
Federal Energy Regulatory Commission	3
Federal Reserve System	4, 5
Federal Trade Commission	6, 7
International Trade Commission	8
Legal Services Corporation	9, 10
National Transportation Safety Board	11
Renegotiation Board	12
Uniformed Services University of the Health Services	13

[6570-06]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday May 2, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and part will be closed.

MATTERS TO BE CONSIDERED:

Parts open to the public:

1. Proposed contract for an assessment center to aid in the evaluation of applicants for district director positions.
2. Staff Report on hearings concerning work-scheduling as it relates to religious discrimination.
3. Modification of fiscal year 1978 funds allocated to 12 state and local agencies.
4. Designation of six state and local agencies as 706 agencies.
5. Revision of EEOC Order No. 110; Mission and Function Statements.
6. Report on experience with utilization of temporary restraining orders in field offices.
7. Report by Executive Director on Commission Operations.

Part closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued April 25, 1978.

[S-885-78 Filed 4-26-78; 8:45 am]

[6715-01]

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, May 3, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit reports, Compliance, and Personnel.

DATE AND TIME: Thursday, May 4, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. FOIA regulations.
IV. Debt settlement procedures.
V. Management report.
VI. Appropriations and budget.
VII. Pending legislation.
VIII. Pending litigation.
IX. Liaison with other Federal agencies.
X. Classification actions.
XI. Overseas absentee registration and voting.
XII. Routine administrative matters.

Portions closed to the public:

Any matters not concluded at the executive session of May 3, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-896-78 Filed 4-26-78; 3:10 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published April 24, 1978; 43 FR 17445.

PREVIOUSLY ANNOUNCEMENT TIME AND DATE OF MEETING: 10 a.m., April 24, 1978.

CHANGE IN THE MEETING: The following items have been added:

Items No., Docket No., and Company

ER-9.—ER78-282, Florida Power & Light Co.

ER-10.—ER76-469 and ER76-508, Idaho Power Co.

RP-9.—RP75-13, RP75-113, RP76-137 and RP77-62, Tennessee Gas Pipeline Co., a division of Tenneco Inc.

CP-9.—CP78-245, Arkansas-Missouri Power Co. and Associated Natural Gas Co.

CP-10.—RP75-62, Cities Service Gas Co.

KENNETH F. PLUMB,
Secretary.

[S—892—78 Filed 4-26-78; 10:14 am]

[6210-01]

4

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 10 a.m., Wednesday, May 3, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed supervisory actions relating to forward placement contracts and exchange traded interest rate futures contracts for GNMA and Treasury securities.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-52-3204.

Dated: April 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-888-78 Filed 4-26-78; 9:49 am]

[6210-01]

5

FEDERAL RESERVE SYSTEM (Board of Governors).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FEDERAL REGISTER on April 21, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, May 1, 1978.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda:

Proposed expansion of the System's computer hardware monitoring program.

This matter will be rescheduled for a future open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: April 25, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[S-889-78 Filed 4-26-78; 9:49 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 3, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, May 3, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-893-78 Filed 4-26-78; 1:53 pm]

[6750-01]

7

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 17113, April 21, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 26, 1978.

CHANGES IN THE AGENDA: The Federal Trade Commission has deleted the item previously scheduled for Wednesday, April 26, 1978, and has cancelled the meeting.

[S-894-78 Filed 4-26-78; 1:53 pm]

[7020-02]

8

[USITC SE-78-20A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: April 25, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Thursday, May 4, 1978.

CHANGES IN THE MEETING: Additional agenda item:

7. Photographic, color paper from Japan and West Germany (Inv. AA1921-Inq.-11 and -12)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-886-78 Filed 4-26-78; 9:49 am]

[6820-35]

9

LEGAL SERVICES CORPORATION.

BOARD OF DIRECTORS

COMMITTEE ON PROVISION OF LEGAL SERVICES

MAY 4, 1978.

A meeting of the Board of Directors Commitee on Provision of Legal Services will be held at 8 p.m. on Thursday evening, May 4, 1978, in the Windsor Room of the Hotel del Coronado, San Diego, Calif.

The Committee's agenda will be reports on:

1. Quality Improvement Project.
2. Section 1007(h) of the Legal Services Corporation Act.
3. Delivery System Study.
4. Discussion of processes for setting priorities by Legal Services Programs held on April 17, 18 and 19.

The entire meeting is open to the public. For more information, contact Ruth Felter at the Legal Services Corporation, phone 202-376-5100, 733 15th Street NW., Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[S-890-78 Filed 4-26-78; 9:49 am]

[6820-35]

10

LEGAL SERVICES CORPORATION.

BOARD OF DIRECTORS

MAY 5-6, 1978.

A meeting of the Board of Directors of the Legal Services Corporation will be held on Friday and Saturday, May 5 and 6, 1978, in the Empress hall, Hotel del Coronado, San Diego, Calif. The meeting will begin at 9:30 a.m. on Friday and 9 a.m. on Saturday. The agenda is as follows:

FRIDAY, MAY 5—9:30 A.M.

1. Adoption of agenda.
2. Approval of minutes of March 2-3, 1978, meeting.
3. Reports by Committees:
   a. Committee on Regulations (Mr. Kutak):
   Recommend procedures for election of the chairperson of the Board of Directors of the Legal Services Corporation.
   Recommendations related to representation of opposing sides by a Director of the Corporation and the staff of a recipient.
   Proposed amendments to:
   (1) Part 1607—Governing bodies of recipients.
   (2) Part 1609—Fee-Generating cases.
   (3) Part 1611—Eligibility.
   (4) Report on proposed instructions regarding organizing activities.
   Proposed adoption of Part 1623—Suspension and termination.
   Discussion of issues presented by Part 1606—Applications for and denial of refunding.
   b. Committee on Appropriations and Audit (Mr. Stophel):
   Recommendations for selection of: (1) Investment Advisor; (2) Auditor.
   Status of: (1) Fiscal year 1978 budget; (2) Fiscal year 1979 budget.
   Committee's consideration of definition of its responsibilities.
   c. Committee on Personnel and Facilities (Mr. Smith):
   Approval of receipt of outside compensation by E. C. Bamberger and T. Ehrlich.
   Agreement to extend lease at 733 Fifteenth Street for headquarters facilities.
   d. Committee on Provision of Legal Services (Mr. Ortique):
   Status of: (1) Quality Improvement Project Grants; (2) Study required by Section 1007(h) of the Legal Services Corporation Act; (3) Delivery Systems Study.
4. Reports by the President:
   a. Support Center activities.

NOTE.—The Board meeting will recess for lunch at 12:30 p.m. on Friday.

SATURDAY, MAY 6—9 A.M.

5. Remarks of Judge Terry Hatter of the Superior Court of California and Chairperson of the Advisory Council of California.
6. Review of the reports of task forces on next steps for the Corporation and the planning process to continue consideration of those steps.
   a. Adequate Physical Facilities and Support Services; Meeting the Special Needs of Rural Areas and the Needs of Special Groups—Charles E. Jones.
   b. Adequate Staff: Recruitment, Retention, and Training—Richard Carter.

c. Improved Delivery Techniques and Expanding the rights of the Poor in Providing a Full Range of Advocacy Tools—Alan Houseman.

Goals and Priorities, Client Paricipation and Accountability and Caseload Management—Albert F. Moreno.

e. Evaluation Mechanisms—David Gilbert.

7. Other business:

a. Future board meetings.

b. Public comments.

2 p.m.—Adjournment.

The entire meeting is open to the public. For more information, contact Ruth Felter at the Legal Services Corporation, phone 202-376-5100, 733 15th Street NW., Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[S-891-78 Filed 4-26-78; 9:49 am]

[4910-58]

11

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, May 4, 1978 (NM-78-20).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SE., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report.*—Sinking of SS *Edmund Fitzgerald* in Lake Superior on November 10, 1975.

2. *Aircraft Accident Report.*—Alaska Aeronautical Industries, Inc., DeHavilland DHC-6-200, N563MA near Iliamna, Alaska, September 6, 1977.

3. *Highway Accident Report.*—Ford Construction Co., Truck-Trailer/Dodge Van Collision, U.S. Route 21 near Marion, N.C., May 12, 1977.

4. *Discussion.*—Closeout of Recommendation No. A-76-94.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-887-78 Filed 4-26-78; 9:49 am]

[7910-01]

12

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, May 2, 1978, 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 and 2 are open to public observation. Matters 3 and 4 are closed to public observation. Matters 5 and 6 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held April 25, 1978, and other Board Meetings, if any.

2. Recommended clearance: Hi-Shear Corporation—California. Consolidated with: Hi-Shear Caribe, Hi-Shear Delaware, Fiscal year ending February 28, 1974.

3. Recommended letter not to proceed: Leon B. DeLong, Fiscal year ended December 31, 1969.

4. Court of Claims Case: *Galion Amco, Inc.* v. *United States, Ct. Cl. Nos. 575-71, 860-71 and 407-73.*

5. Approval of agenda for meeting to be held May 16, 1978.

6. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington D.C. 20446, 202-254-8277.

Dated: April 25, 1978.

GOODWIN CHASE,
Chairman.

[S-895-78 Filed 4-26-78; 1:53 am]

[3810-70]

13

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TIME AND DATE: 8 a.m., May 8, 1978.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Md. 20014 (Rooms A1-024, A1-017, and A2-052).

STATUS: Open.

MATTERS TO BE CONSIDERED:

8 a.m. Meeting—Educational Affairs Committee

(1) Graduate program update; (2) Admissions Committee report; (3) Faculty appointments; (4) Description of fellowship in reproductive endocrinology; (5) Active duty obligation.

8 a.m. Meeting—Administraive Affairs Committee

Report—Director of Administrative Affairs—(a) Fiscal year 1980 program (program objective memorandum); (b) Construction costs and changes; (c) Faculty compensation.

10 a.m. Meeting—Board of Regents

(1) Report—Educational Affairs Committee; (2) Report—Administrative Affairs Committee; (3) Report—Acting President; (4) Report—Dean, School of Medicine; (5) Report—Departmental Program Review; Chairman, Department of Physiology.
New Business.

SCHEDULED MEETINGS: September 18, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Tor Richter, Capt., MC USN, Executive Secretary of the Board, 202-295-2106.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

APRIL 26, 1978.

[S-897-78 Filed 4-26-78; 3:44 pm]

Federal Register

FRIDAY, APRIL 28, 1978
PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL78-1030	Apr. 7, 1978.
Arizona:	
AZ77-5058	June 17, 1977.
Florida:	
FL77-1049	Apr. 29, 1977.
FL77-1141	Nov. 25, 1977.
FL77-1149	Feb. 24, 1977.
FL78-1043	Apr. 14, 1978.
Idaho:	
ID78-5017	Apr. 7, 1978.
Nevada:	
NV78-5009	Mar. 10, 1978.
NV78-5011	Mar. 17, 1978.
Tennessee:	
TN77-1036	Mar. 25, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL77-1072(AL78-1044)	June 3, 1977.
Kansas:	
KS77-4025(KS78-4045)	Feb. 18, 1977.
Massachusetts:	
MA77-3063(MA78-3023)	Aug. 12, 1977.
MA77-3066(MA78-3026); MA77-3068 (MA78-3028).	Sept. 2, 1977.
MA77-3067(MA78-3027)	July 22, 1977.
Montana:	
MT77-5074(MT77-5027)	July 8, 1977.
Pennsylvania:	
PA77-3102(PA78-3012)	July 22, 1977.
Virginia:	
AP-805(VA78-3039)	May 4, 1973.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Number AR-4002, Floyd and Pike Counties, Kentucky, is hereby cancelled. Agencies with building construction projects contemplated in the Counties should utilize the project wage determination procedure by submitting form SF-308 (see 29 CFR Part 1, Section 1.5). Contracts for which bids have been opened shall not be affected by the notice. Consistent with 29 CFR Part 1, Section 1.7 (b)(2), inclusion of the above decision in contracts for which the bid opening is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 21st day of April 1978.

DOROTHY P. COME,
Acting Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL78-1030 - Mod. #1 (43 FR 14839 - April 7, 1978) Madison County, Alabama					
CHANGE:					
Carpenters	$ 8.10	.40	.30		.03
Millwrights	8.74	.40	.30		.03
DECISION #AZ77-5058 - Mod. #8 (42 FR 31056 - June 17, 1977) Statewide, Arizona					
Change:					
Painters: (Flagstaff Area):					
Zone A: From Flagstaff Courthouse to 20 miles:					
Brush; Soft Floor Layers	$10.70	.90	.60		.20
Brush, steel and bridge	11.20	.90	.60		.20
Spray	11.15	.90	.60		.20
Spray, steel and bridge	11.70	.90	.60		.20
Zone B: 20-35 miles from Courthouse in Flagstaff:					
Brush; Soft Floor Layers	11.45	.90	.60		.20
Brush, steel and bridge	11.95	.90	.60		.20
Spray	11.85	.90	.60		.20
Spray, steel and bridge	12.45	.90	.60		.20
Zone C: 35-80 miles from Courthouse in Flagstaff:					
Brush; Soft Floor Layers	12.45	.90	.60		.20
Brush, steel and bridge	12.95	.90	.60		.20
Spray	12.85	.90	.60		.20
Spray, steel and bridge	13.45	.90	.60		.20
Zone D: 80 miles and over from Courthouse in Flagstaff:					
Brush; Soft Floor Layers	12.70	.90	.60		.20
Brush, steel and bridge	13.20	.90	.60		.20
Spray	13.10	.90	.60		.20
Spray, steel and bridge	13.70	.90	.60		.20
Sprinkler Fitters	12.74	.75	1.05		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #TL77-1149 - Mod. #1 (43 FR 7912 - February 24, 1978) Alachua County, Florida					
Change:					
Asbestos Workers	$11.27	.45	.55		.08
Decision #TL78-1043 - Mod. #1 (43 FR 16043 - April 14, 1978) Duval County, Florida					
Change:					
Asbestos Workers	11.27	.45	.55		.08
Decision #TL77-1049 - Mod. #6 (42 FR 22080 - April 29, 1977) Leon County, Florida					
Change:					
Asbestos Workers	11.27	.45	.55		.08
Decision #TL77-1141 - Mod. #1 (42 FR 60552 - November 25, 1977) Volusia County (except Cape Kennedy, Kennedy Space Flight Center and Cape Canaveral Air Force Station), Florida					
Change:					
Asbestos Workers	11.27	.45	.55		.08

MODIFICATIONS P. 3

DECISION #ID78-5017 - Mod. #1
(43 FR 14841 - April 7, 1978)
Statewide Idaho

Change:
Change on page one of Idaho Supersedeas No. ID78-5017, to read as follows: "Supersedes Decision No. ID77-5088, dated October 7, 1977, in 42 FR 54719."

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers:					
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	$13.00				
Line Construction Workers:					
Area 1:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Cable Splicers; Leadman Pole Sprayer	13.29	.45	3% + .40	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	12.00	.45	3% + .40	.10	1/2%
Tree Trimmer	10.84	.45	3% + .40	.10	1/2%
Line Equipment man	10.34	.45	3% + .30	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	9.04	.45	3% + .30	.10	1/2%
Groundman; Tree Trimmer Helper	8.50	.45	3% + .30	.10	1/2%
Zone Pay: Each classification will receive the base rate plus: Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00. For zone definitions, see Supersedeas.					
Marble Setters:					
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	13.00				

MODIFICATIONS P. 4

DECISION #ID78-5017 (Cont'd):

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Painters:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except the City of Bliss and western third of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falls Counties:					
Brush; Roller, Perfataper	$8.76	.40	.30		.005
Structural Steel; Swing Stage; Spray	9.21	.40	.30		.005
Sprinkler Fitters	11.83	.75	1.05		.08
Terrazzo Workers & Tile Setters:					
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	13.00				

DECISION #NV78-5009 - Mod. #2
(43 FR 10229 - March 10, 1978)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

Change:
Change on page one of Nevada Supersedeas No. NV78-5009, to read as follows: "Supersedes Decision No. NV77-5077, dated September 23, 1977, in 42 FR 48662".

Change:					
Cement Masons:					
Lake Tahoe Area:					
Cement Masons	$10.80	.70	$1.00	$1.35	.05
Mastic, Magnesite and all Composition Masons	11.05	.70	1.00	1.35	.05
Troweling Machine; Grinder Operator and Kelly Float	11.30	.70	1.00	1.35	.05
Remaining Counties:					
Cement Masons	9.35	.70	1.00	1.35	.05
Mastic, Magnesite and all Composition Masons	9.60	.70	1.00	1.35	.05
Troweling Machine; Grinder Operator and Kelly Float	9.85	.70	1.00	1.35	.05

DECISION #NV78-5011 - Mod. #1
(43 FR 11441 - March 17, 1978)
Washoe County, Nevada

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cement Masons:					
Lake Tahoe Area:					
Cement Masons	$10.80	.70	$1.00	$1.35	.05
Mastic, Magnesite and all Composition Masons	11.05	.70	1.00	1.35	.05
Troweling Machine; Grinder Operator and Kelly Float	11.30	.70	1.00	1.35	.05
Remaining Counties:					
Cement Masons	9.35	.70	1.00	1.35	.05
Mastic, Magnesite and all Composition Masons	9.60	.70	1.00	1.35	.05
Troweling Machine; Grinder Operator and Kelly Float	9.85	.70	1.00	1.35	.05
Sprinkler Fitters	15.50	.75	1.05		.08

DECISION #TN77-1036 - Mod. #3
(42 FR 16375 - March 25, 1977)
Davidson County, Tennessee

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.10	.45	.35		
Boilermakers	9.95	1.05	1.05		.02
Electricians	9.95	.55	3%		½ of 1%
Elevator constructors:					
Mechanics	8.945	.745	.56	4%+a+b	.025
Helpers	6.26	.745	.56	4%+a+b	.025
Probationary helpers	4.47				
Millwrights	9.95	.15	.10		.01
Plumbers	9.64	.55	.55		.07
Sprinkler fitters	10.80	.75	1.05		.08
Steam fitters	9.64	.55	.55		.07

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

STATE: Alabama
COUNTIES: *See Below
DECISION NO.: AL78-1044
DATE: Date of Publication
Supersedes Decision No. AL77-1072 dated June 3, 1977 in 42 FR 28729
DESCRIPTION OF WORK: Heavy Construction excluding Sewer & Water Line Construction

*Counties: Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Marengo, Monroe, Washington, and Wilcox.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.97	.40	.50		.05
CEMENT MASONS	9.74	.40	.50		
ELECTRICIANS	10.49	.40	3%+.25	1.125	1/10of1%+.05
IRONWORKERS:					
Structural & Reinforcing	10.38	.40	.50		.05
LABORERS:					
Unskilled	6.45	.40	.50		.05
Mortar makers hod carriers, breakers breaking & dropping concrete, any method air tool operator, mason & plaster tender handling creosote & coppertox materials, kettlemen, asphalt raker, tamper drills, vibrators, concrete dump bucket, man, all concrete roller, concrete grades & placers wheel barrows, georgia buggies, pipe layers of clay, terracotta, ironstone vitrified concrete non metallic pipe, and pipe wipers inside and out	6.67	.40	.50		.05
PAINTERS:					
Industrial brush	9.51	.40	.25		.01
Industrial spray	9.76	.40	.25		.01
Spraying epoxy	10.26	.40	.25		.01
PLUMBERS & PIPEFITTERS	11.35	.30	1.10		.03
PILEDRIVERMEN	10.24	.40	.50		.05
TRUCK DRIVERS:					
Truck drivers up to but not including 1½ tons	6.80	.40	.50		.05
Filling station attendant tire repair	7.12	.40	.50		

AL78-1044 - (Cont'd)

Truck Drivers - (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Drivers 1½ tons up to but not including 5 tons	7.84	.40	.50		.05
Rec and issuing truck	7.70	.40	.50		
Scaleman	7.91	.40	.50		
Truck drivers on rated 5 tons or 6 yards and over including heavy equipment such as pole truck, miss or corning wagons, dumpsters, semi drivers, agitators, ross carriers dempsey dump euclid truck, fork lift trucks in warehouses & similar equipment such as tractors, ten wheeler, jeeps or dump trucks, pick up trucks pulling 2 or 4 wheel trailers hauling equipment (not applicable to pulling equipment which rolls on its own wheels	8.70	.40	.50		
Auto mechanics	9.42	.40	.50		

STATE: Kansas

SUPERSEDEAS DECISION

COUNTY: Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, and Woodson Countries, and Geary and Riley Countries, for Highway Construction only Kansas

AL78-1044 - Cont'd)

DECISION NO.: KS78-4045

DATE: Date of Publication

Supersedes Decision No. KS77-4025 dated February 18, 1977 in 42 FR 10235

DESCRIPTION of WORK: Highway (does not include bridges over navigable waters, tunnels; building structures in rest area projects; railroad construction) and Water and Sewer Line Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	$10.42	.40	.50		.05
GROUP B	10.09	.40	.50		.05
GROUP C	9.48	.40	.50		.05

GROUP A: Heavy duty mechanic, crane, shovel, derrick op. 2 or more drums, dragline, piledriver operator, hoist operator (2 or more drums), tug boat, cableways, excavators, front end loaders, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machine, cherry pickers, side boom tractors, paving machines, motor patrol, pump crete machines, gradalls Johnson mixers, hydro-lift trucks all batch plants and header house operators, panel board (redi-mix) hydro hammer on demolition work, concrete plants; asphalt plants, helicopter pilots and concrete paving trains.

GROUP B: Dozer scraper, turnapull, 1 drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractor with power - control attachments, winch truck, riding, trenching and ditching machines, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork lift, (well point and dewatering system), subgraders, finishing machines, motorized compactors, wagmobiles, and push carts.

GROUP C: Light plant generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, piledriver hammer, (diesel gas, air or electric), fireman, out board motor boat operators and brakeman.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-frame truck	$ 3.90				
Air tool man	3.75				
Asphalt paving machine	4.60				
Asphalt spreader screed operator	4.35				
Asphalt plant heater attendant	4.00				
Asphalt plant operator	4.85				
Asphalt raker	3.92				
Auger operator	3.79				
Back filler operator	3.75				
Back hoe	4.60				
Blowing mechanism on straw blower	3.50				
Brick mason	4.75				
Bulldozer operator	4.60				
Carpenters	4.75				
Carpenters tender	3.85				
Cement mason	4.40				
Compressor operator	3.90				
Concrete central plant operator	4.78				
Concrete gang saw, self-propelled	4.25				
Concrete finisher (paving)	4.60				
Concrete paver	4.60				
Concrete paving longitudinal float	4.25				
Concrete paving spreader	4.60				
Concrete saw	4.40				
Conveyor operator	4.00				
Crane, or any machine power swing	4.75				
Crusher, feeder	3.75				
Crush & Screening plant operator	4.25				
Distributor driver	4.10				
Distributor operator	4.25				
Electricians	4.85				
Euclid loader operator	4.40				
Finishing machine operator	4.40				
Form liner and setter	3.90				
Front end loader, over 1 C.Y	4.40				
Front end loader, 1 C.Y. & less	4.10				
Harrow, Disc, Seeder	3.60				
Ironworkers (ornamental & structural)	4.75				
Laborer (Construction & General)	3.40				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Landscape worker	$ 3.40				
Lineman	4.60				
Mechanic	4.85				
Mechanic helper	4.20				
Motor grader operator (finish)	4.85				
Motor grader operator (rough)	4.60				
Oilers - greasers	4.75				
Painter (structural steel & bridge)	4.47				
Piledrivermen	4.33				
Pilot car driver	3.75				
Pipelayer	3.90				
Plumber (roadside imp)	4.40				
Post driver operator	4.05				
Powderman	4.25				
Pump operator (1)	3.75				
Pump operator (2)	4.00				
Push cat operator	4.60				
Reinforcing steel setter	3.90				
Roller, pneumatic (self-propelled)	4.10				
Roller, steel (self-propelled)	4.10				
Roller, (self-propelled-not asphalt)	3.90				
Roller, steel wheel (plant-mix)	4.10				
Rotary broom operator	3.85				
Rotary drill operator	4.00				
Sand blaster	4.05				
Scaleman	3.80				
Scraper - single engine	3.86				
Scraper - twin engine	4.00				
Scoop operator (single engine)	4.60				
Scoop operator (twin engine)	4.75				
Serviceman	4.25				
Slurrymachine operator	4.23				
Spreader box operator (self-propelled)	4.40				
Subgrading machine operator	4.85				
Tamper operator	3.70				
Tractor operator, 50 HP or less	3.60				
Tractor operator over 50 HP	3.90				
Trenching machine operator	4.25				
Trucks:					
Light	3.75				
Single axle	3.75				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Trucks contd:					
Tandem axle	$ 4.10				
Lowboy, semi, transit mix	4.25				
Euclid 17 C.Y. & less	4.25				
Euclid over 17 C.Y.	4.25				
Wagon drill operator	4.00				
Welder	4.25				

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Berkshire

DECISION NUMBER: MA78-3023 DATE : Date of Publication

Supersedes Decision No. MA77-3063 dated August 12, 1977, in 42 FR 41077

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.95	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS and TILE SETTERS:					
Twps. of Adams, North Adams, Cheshire, Florida, Savoy, Clarksbury and Williamstown	11.85				
Twps. of Becket, Otis and Sandisfield	10.05	.55	.80		.06
Remainder of County	11.28	.65	.30		
CARPENTERS & SOFT FLOOR LAYERS	9.54	.60	1.00		.04
ELECTRICIANS	10.09	.55	3%+.94		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (RPOB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Structural, ornamental and reinforcing:					
Otis and North and East Otis	9.43	.70	1.50		.05
Remainder of County	9.49	.60	.85		.04
LABORERS (BUILDING):					
Laborers, Carpenter tenders and Wrecking laborers	7.75	.60	.75		.10
Jackhammer operator, Pavement breakers, Wagon drills, Asphalt rakers, Carbide core drilling machine, Chain saw operators, Pipelayers, Barco type jumping tampers, Leaser beam operators, Concrete pump operators, Mason tenders, Mortar mixers, Ride-on motorized buggy and Plasterers tenders	8.00	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air track; Block pavers; Rammers curb setters	$ 8.25	.60	.75		.10
Blasterers, Powdermen	8.50	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.15		.01
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	10.92	.70	3%	d	
Equipment Operator	10.19	.70	3%	d	
Driver Groundmen	7.87	.70	3%	d	
MARBLE SETTERS' & TILE SETTERS' HELPERS	8.95				
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Brush and Roller	8.97	.75	.55		.03
Spray	11.96	1.00	.7333		.04
Swing Stage under 40' and steel	9.157	.75	.55		.03
Swing stage over 40' and steel	9.47	.75	.55		.03
Sign Painters	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.45	.60	1.00		
PLUMBERS and STEAMPITTERS:					
Adams, Clarksburg, Florida, North Adams, Savoy, Williamstown and Northern half of Cheshire, and New Ashford	9.97	.90	.75		.02
Becket, Otis, Sandisfield (Plumbers ONLY)	10.30	1.01	1.10	e	.10
Becket, Otis, Sandisfield and New Boston (Steamfitters)	10.68	.57	1.45	.08	.02
Remainder of County	10.30	.83	.50		.05
ROOFERS:					
Composition, damp & waterproof	9.185	.85	1.51		
Slate, tile and precast concrete	9.84	.85	1.51		
SHEET METAL WORKERS	10.01	.95	1.26		.05
SPRINKLER FITTERS	11.38	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more or service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 Calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, Washington's Birthday and Patriots Day providing employee has worked for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. There is also one floating holiday per year.

e. July 4th and Labor Day provided worker is employed 7 days prior to holiday.

HEAVY and HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Class III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class I	$ 9.93	.85	.75	a	.07
Class II	7.73	.85	.75	a	.07
Class II	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Tireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS					
Class I	$ 9.93	.85	.75	a	.07
Class II	9.73	.85	.75	a	.07
Class III	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07
*The above rates are for Contracts $175,000.00 and ABOVE					
POWER EQUIPMENT OPERATORS:					
Class I	9.45	.85	.75	a	.07
Class II	9.25	.85	.75	a	.07
Class III	9.05	.85	.75	a	.07
Class IV	8.68	.85	.75	a	.07
Class V	8.00	.85	.75	a	.07
Class VI	7.55	.85	.75	a	.07
Class VII	6.82	.85	.75	a	.07
*The above rates are for Contracts UNDER $175,000.00					

POWER EQUIPMENT OPERATORS CLASSIFICATIONS
HEAVY and HIGHWAY CONSTRUCTION

Class I: Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pipe Drivers, Concrete Pavers, on site) Processing Plant (engineer in charge), Dragline, Clamshell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader - 5½ yds. and over, Tower Cranes, Self-propelled Hydraulic Cranes - 10 tons and over, Dual Pavers, Automatic Graders - Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welding using semi automatic welding machine, Shotcrete Machine, Tunnel Boring Machine

Class II: Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders - 4 yds. to 5½ yds., Scraper - 21 yds and over (struck load), Forklifts - 7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

Class III: Bulldozer, Push Cats, Scrapers - up to 21 yds. (struck load) Self-propelled or tractor drawn, Self-powered Asphalt Paver, Front End Loaders - up to 4 yds., Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point System, Tiremen, Pumps - 16 inches or over total discharge, Compressors (1 or 2) (10) cu. ft. and over, Powered Grease Truck, Asphalt Roller - 10 ton and over, Tunnel Locomotives and Dinkeys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-propelled Hydraulic Cranes - up to 10 ton

class IV: Asphalt Roller - up to 10 ton

Class V: Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

Class VI: Compressor (315 cu. ft. to 900 cu. ft. 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot Roller, Rubber tired Roller or other type of compactors including machines for pulverizing and aerating soil

Class VII: Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts - up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTE:
a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipmetnt under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

Footnotes:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Franklin
DECISION NUMBER: MA78-3026 DATE : Date of Publication
Supersedes Decision No. MA77-3066 dated September 2, 1977, in 42 FR 44440
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.95	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, MARBLE, TILE, TERRAZZO WORKERS, CAULKER, And CLEANER, POINTER	10.05	.55	.80		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Irving, Warwick, Orange and North Orange	10.70	.60	1.00		.07
Remainder of County	9.80	.45	1.00		.02
Monroe and Monroe Bridge	9.54	.60	1.00		.04
ELECTRICIANS:					
Hawley, Monroe and Rowe	10.09	.55	3%+.94		.02
Remainder of County:					
Electrical contracts $75,000.00 and over	10.76	.85	3%+.40		.02
Electrical contracts under $75,000.00	8.60	.85	3%+.40		.02
Shaft and tunnel work	11.26	.85	3%+.40		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.30	1.00	1.75		.09
LABORERS: BUILDING					
Laborers, Carpenter tenders, Wrecking laborer	7.75	.60	.75		.10
Asphalt rakers, Carbide core drillers, Chain saw operator, Pipelayers, Jackhammer and paving breakers operators, Barco-type jumping tampers, Laser beam operators, Concrete pump operators, Mason tenders, Mortar mixers, and Ride-on motorized buggy operator and plasterers tenders	8.00	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air track operators, Block pavers, Rammers and Curb setters	$ 8.25	.60	.75		.10
Powdermen and blasters	8.50	.60	.75		.10
Open air caisson, underpinning work and test boring crew:					
Bottom Man	8.50	.60	.75		.10
Top Man	7.75	.60	.75		.10
Driller	8.62	.60	.75		.10
Helper	7.87	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LINE CONSTRUCTION:					
Linemen	10.92	.70	3%	b	
Equipment Operators	10.19	.70	3%	b	
Driver Groundmen	7.87	.70	3%	b	
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Brush and Roller	8.97	.75	.55		.03
Spray	11.96	.8666	.7333		.04
Swing Stage under 40' and steel	9.157	.75	.55		.03
Swing stage over 40' and steel	9.47	.75	.55		.03
PILEDRIVERMEN	10.45	.65	1.00		
PLUMBERS and STEAMFITTERS:					
Monroe, Towe and Western part of Charlemont	9.97	.90	.75		.02
Orange	10.02	.60	.65	.40	.05
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	10.01	.95	1.26		.05
SPRINKLER FITTERS	11.38	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years or more of service of 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay plus holidays: A through F and the days after Thanksgiving

b. Holidays: A through F, Washington's Birthday, Patriots Day providing emp,oyee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. One floating holiday per year.

HEAVY and HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Claaa III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 9.93	.85	.75	a	.07
Class II	7.73	.85	.75	a	.07
Class II	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Tireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS					
Class I	$ 9.93	.85	.75	a	.07
Class II	9.73	.85	.75	a	.07
Class III	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07
*The above rates are for Contracts $175,000.00 and ABOVE					
POWER EQUIPMENT OPERATORS:					
Class I	9.45	.85	.75	a	.07
Class II	9.25	.85	.75	a	.07
Class III	9.05	.85	.75	a	.07
Class IV	8.68	.85	.75	a	.07
Class V	8.00	.85	.75	a	.07
Class VI	7.55	.85	.75	a	.07
Class VII	6.82	.85	.75	a	.07
*The above rates are for Contracts UNDER $175,000.00					

POWER EQUIPMENT OPERATORS CLASSIFICATIONS
HEAVY and HIGHWAY CONSTRUCTION

Class I: Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pipe Drivers, Concrete Pavers, on site) Processing Plant (engineer in charge), Dragline, Clamshell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader - 5½ yds. and over, Tower Cranes, Self-propelled Hydraulic Cranes - 10 tons and over, Dual Pavers, Automatic Graders - Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welding using semi automatic welding machine, Shotcrete Machine, Tunnel Boring Machine

Class II: Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders - 4 yds. to 5½ yds., Scraper - 21 yds and over (struck load), Forklifts - 7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

Class III: Bulldozer, Push Cats, Scrapers - up to 21 yds. (struck load) Self-propelled or tractor drawn, Self-powered Asphalt Paver, Front End Loaders - up to 4 yds., Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point System, Tiremen, Pumps - 16 inches or over total discharge, Compressors (1 or 2) (10) cu. ft. and over, Powered Grease Truck, Asphalt Roller - 10 ton and over, Tunnel Locomotives and Dinkeys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-propelled Hydraulic Cranes - up to 10 ton

class IV: Asphalt Roller - up to 10 ton

Class V: Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-pwoered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

Class VI: Compressor (315 cu. ft. to 900 cu. ft. 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot Roller, Rubber tired Roller or other type of compactors including machines for pulverizing and aerating soil

Class VII: Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts - up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTE:
a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipmetnt under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

Footnotes:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampden
DECISION NUMBER: MA78-3027 DATE : Date of Publication
Supersedes Decision No. MA77-3067 dated July 22, 1977, in 42 FR 37723
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.95	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS:					
Cement mason, Marble masons, Plasterers, Stone Masons, Terrazzo workers and Tile setters	10.25	.55	.80		.06
CARPENTERS & SOFT FLOOR LAYERS:	10.00	.60	.65		.02
Holyoke	9.80	.45	1.00		.02
Remainder of County	10.00	.60	.65		.02
ELECTRICIANS:					
Chester, Holyoke and that portion of Chicopee Township north of the following line: McKinstry Avenue from the Connecticut River to Gratten Street, South on Gratten to Lafayette Street, east on Lafayette to York Street, north on York to McKinstry, east on McKinstry to Grady Road and projects to the Westover Air Force fence and that area north of Westover Field:					
Contracts $75,000 and over	10.76	.85	3%+.40		.02
Contracts under $75,000	8.60	.85	3%+.40		.02
Shaft and tunnel work	11.26	.85	3%+.40		.02
Remainder of County	9.85	.75	3%+.30	.43	.03
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Ornamental, Reinforcing and Structural	10.30	1.00	1.75		.09
LABORERS (BUILDING):					
Laborers, Wrecking laborers and Carpenter tenders	7.75	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Aspahlt rakers, Carbide core driller operators, Saw operators, Pipelayers, Jackhammer and Paving breaker operator, Barco-type jumping tampers, Laser beams operator, Concrete pump operators and Wagon drill operators, Mason tenders, Mortar mixers and ride-on motorized buggy operators and plasterers tenders	$ 8.00	.60	.75		.10
Air track operator, Block pavers, Rammers and Curb setters	8.25	.60	.75		.10
Blasters and Powdermen	8.50	.60	.75		.10
Open air caisson, Cylinderical work and boring crew:					
Bottom Man	8.50	.60	.75		.10
Top Man	7.75	.60	.75		.10
Testing Boring:					
Driller	8.62	.60	.75		.10
Helper	7.87	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	10.92	.40	1%	d	3/8 of 1%
Groundmen, Driver	7.87	.40	1%	d	3/8 of 1%
Equipment Operator	10.19	.40	1%	d	3/8 of 1%
MARBLE, MOSAIC & TERRAZZO WORKERS' HELPERS	8.95				
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Brush and Roller	8.97	.75	.55		.03
Spray	11.96	1.00	.7333		.04
Swing Stage under 40' Steel	9.157	.75	.55		.03
Swing Stage over 40' Steel	9.47	.75	.55		.03
PILEDRIVERMEN	10.45	.60	1.00		
PLUMBERS	10.30	1.01	1.10	e	.10
ROOFERS:					
Composition, damp and waterproofing	9.185	.85	1.51		
Slate, tile, precast concrete	9.84	.85	1.51		
SHEET METAL WORKERS	10.01	.95	1.26		.05
SPRINKLER FITTERS	11.38	.60	.90		.08
STEAMFITTERS	10.68	.57	1.45	.08	.03

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% 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. Holidays: A through F, and the day after Thanksgiving

c. Holidays: A through F, Washington's Birthday, Good Friday and Chirstmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scehduled work days immediately preceding and following the holiday.

d. Holidays: A through F, provided the employee has been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus one floating holiday, Washington's Birthday, and Patriots day.

e. Holdiays: Independence Day and Labor Day provided the employee has been employed 7 days prior to the holiday for the same employer.

HEAVY and HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Claaa III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class I	$ 9.93	.85	.75	a	.07
Class II	7.73	.85	.75	a	.07
Class II	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Tireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS					
Class I	$ 9.93	.85	.75	a	.07
Class II	9.73	.85	.75	a	.07
Class III	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07
*The above rates are for Contracts $175,000.00 and ABOVE					
POWER EQUIPMENT OPERATORS:					
Class I	9.45	.85	.75	a	.07
Class II	9.25	.85	.75	a	.07
Class III	9.05	.85	.75	a	.07
Class IV	8.68	.85	.75	a	.07
Class V	8.00	.85	.75	a	.07
Class VI	7.55	.85	.75	a	.07
Class VII	6.82	.85	.75	a	.07
*The above rates are for Contracts UNDER $175,000.00					

POWER EQUIPMENT OPERATORS CLASSIFICATIONS
HEAVY and HIGHWAY CONSTRUCTION

Class I: Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pipe Drivers, Concrete Pavers, on site) Processing Plant (engineer in charge), Dragline, Clamshell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader - 5½ yds. and over, Tower Cranes, Self-propelled Hydraulic Cranes - 10 tons and over, Dual Pavers, Automatic Graders - Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welding using semi automatic welding machine, Shotcrete Machine, Tunnel Boring Machine

Class II: Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders - 4 yds. to 5½ yds., Scraper - 21 yds and over (struck load), Forklifts - 7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

Class III: Bulldozer, Push Cats, Scrapers - up to 21 yds. (struck load) Self-propelled or tractor drawn, Self-powered Asphalt Paver, Front End Loaders - up to 4 yds., Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point System, Tiremen, Pumps - 16 inches or over total discharge, Compressors (1 or 2) (10) cu. ft. and over, Powered Grease Truck, Asphalt Roller - 10 ton and over, Tunnel Locomotives and Dinkeys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-propelled Hydraulic Cranes - up to 10 ton

class IV: Asphalt Roller - up to 10 ton

Class V: Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-pwoered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

Class VI: Compressor (315 cu. ft. to 900 cu. ft. 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot Roller, Rubber tired Roller or other type of compactors including machines for pulverizing and aerating soil

Class VII: Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts - up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTE:
a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipmetnt under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

Footnotes:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampshire
DECISION NUMBER: MA78-3028 DATE : Date of Publication
Supersedes Decision No. MA77-3068 dated September 2, 1977, in 42 FR 44445
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.95	.94	$ 1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, PLASTERERS, CEMENT MASON, STONE MASONS, MARBLE TILE and TERRAZZO WORKERS, CAULKER, CLEANER, POINTERS	10.05	.55	.80		.06
CARPENTERS:					
Amherst, Belchertown, Granby, South Hadley, and Pleham	9.80	.45	1.00		.02
Remainder of County	10.00	.60	.65		.02
ELECTRICIANS:					
Bechertown, Ware	9.85	.70	3%+.30	.43	.03
Middlefield, Cummington and Plainfield	10.09	.55	3%+.94		.02
Remainder of County:					
Electrical contracts under $75,000.00	8.60	.85	3%+.40		.02
Electrical contracts $75,000.00 and over	10.76	.85	3%+.40		.02
Shaft and Tunnel Work	11.26	.85	3%+.40		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.30	1.00	1.75		.09
LABORERS: (BUILDING					
Laborers, Wrecking laborers, Carpenter and Cement finishers tenders	7.75	.60	.75		.10
Asphalt rakers, Carbide core driller operators, Chain saw operators, Pipelayers, Jack-hammer and Paving breaker operator, Barco-type jumping tampers, Laser beam operators, Concrete pumps operators and Wagon drill operators, Mason tenders, Mortar mixers and Ride-on motorized buggy operators and plasterer tenders	8.00	.60	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air track operators, Block pavers, Rammers and Curb setters	$ 8.25	.60	.75		.10
Powdermen and Blasters	8.50	.60	.75		.10
Open air caisson, Underpinning work and boring crew:					
(ENTIRE COUNTY)					
Bottom Man	8.50	.60	.75		.10
Top Man	7.75	.60	.75		.10
Test Boring:					
Driller	8.62	.60	.75		.10
Helper	7.87	.60	.75		.10
LATHERS:	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LINE CONSTRUCTION:					
Linemen	10.92	.70	3%	c	
Equipment Operator	10.19	.70	3%	c	
Driver Groundman	7.87	.70	3%	c	
MARBLE & TILE SETTERS HELPERS and TERRAZZO WORKERS' HELPERS	8.95				
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Brush and Roller	8.97	.75	.55		.03
Spray	11.96	1.00	.7333		.04
Swing stage under 40' Steel	9.157	.75	.55		.03
Swing stage over 40' Steel	9.47	.75	.55		.03
Sign Painters	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.45	.60	1.00		.03
PLUMBERS and STEAMFITTERS:					
Belchertown, Granby, Huntington, Middlefield, South Hadley, Ware:					
Plumbers	10.30	1.01	1.10	d	.10
Steamfitters	10.68	.56	1.45	e	.03
Remainder of County:					
Plumbers and Steamfitters	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	10.01	.95	1.26		.05
SPRINKLER FITTERS	11.38	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidential.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday and Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scehduled working day preceding and following the holiday.

d. July 4th and Labor Day provided worker employed 7 days before holiday

e. July 4th and Labor Day - $.08 per hour employer contribution to make two paid holidays.

HEAVY and HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking Laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam Operator; Mason tender, Pipelayer, Pneumatic drill operator, Pneumatic tool operator, Wagon drill operator

Claaa III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, powdermen

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 9.93	.85	.75	a	.07
Class II	7.73	.85	.75	a	.07
Class II	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07

CLASSIFICATIONS

Class I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yads. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

Class II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Mahines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

Class III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Tireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls), Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

Class IV: Asphalt Roller - under 10 ton

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
BUILDING CONSTRUCTION

Class V: Single Drum Hoist, Self-propelled Roller, Self-propelled Compressors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-propelled Material Spreaders, A-Frame Trucks, Fork Lifts up to 15 feet

Class VI: Compressors (one or two 315 cu. ft. to 900 cu. ft., Pumps - 4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber-tired Roller, Compactors or other Machines used for pulverizing, Grading or Seeding

Class VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year Year's Day; B-Mmeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE
a. Holidays: A through F, Veterans' Day and Columbus Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS					
Class I	$ 9.93	.85	.75	a	.07
Class II	9.73	.85	.75	a	.07
Class III	9.53	.85	.75	a	.07
Class IV	9.16	.85	.75	a	.07
Class V	8.41	.85	.75	a	.07
Class VI	7.94	.85	.75	a	.07
Class VII	7.18	.85	.75	a	.07
*The above rates are for Contracts $175,000.00 and ABOVE					
POWER EQUIPMENT OPERATORS:					
Class I	9.45	.85	.75	a	.07
Class II	9.25	.85	.75	a	.07
Class III	9.05	.85	.75	a	.07
Class IV	8.68	.85	.75	a	.07
Class V	8.00	.85	.75	a	.07
Class VI	7.55	.85	.75	a	.07
Class VII	6.82	.85	.75	a	.07
*The above rates are for Contracts UNDER $175,000.00					

POWER EQUIPMENT OPERATORS CLASSIFICATIONS
HEAVY and HIGHWAY CONSTRUCTION

Class I: Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pipe Drivers, Concrete Pavers, on site) Processing Plant (engineer in charge), Dragline, Clamshell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader - 5½ yds. and over, Tower Cranes, Self-propelled Hydraulic Cranes - 10 tons and over, Dual Pavers, Automatic Graders - Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welding using semi automatic welding machine, Shotcrete Machine, Tunnel Boring Machine

Class II: Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders - 4 yds. to 5½ yds., Scraper - 21 yds and over (struck load), Forklifts - 7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

Class III: Bulldozer, Push Cats, Scrapers - up to 21 yds. (struck load) Self-propelled or tractor drawn, Self-powered Asphalt Paver, Front End Loaders - up to 4 yds., Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point System, Tiremen, Pumps - 16 inches or over total discharge, Compressors (1 or 2) (10) cu. ft. and over, Powered Grease Truck, Asphalt Roller - 10 ton and over, Tunnel Locomotives and Dinkeys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-propelled Hydraulic Cranes - up to 10 ton

class IV: Asphalt Roller - up to 10 ton

Class V: Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-pwered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

Class VI: Compressor (315 cu. ft. to 900 cu. ft. 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot Roller, Rubber tired Roller or other type of compactors including machines for pulverizing and aerating soil

Class VII: Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts - up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTE:
a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipmetnt under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

Footnotes:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: MT78-5027
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. MT77-5074 dated July 8, 1977, in 42 FR 35552
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters	$ 9.08	.55	.75		.02
Piledrivermen; Sawfilers, Carpenters on charred and creosote wood	9.23	.55	.75		.02
CEMENT MASONS:					
Cement Masons	8.90	.75	.25		
Grinder, Bush Hammer and Clipping Fan preparing finished surface; Epoxy	9.05	.75	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	10.70	.80	3%+.35		1/2%
Gallatin County	10.35	.40	3%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	9.85	.55	3%+.50		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	10.35		3%+.50		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	11.65	.55	3%+.75		1/2%
Cable Splicers	11.00	.55	3%+.75		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	10.30	.55	3%+.25		1/2%
Cable Splicers	10.80	.55	3%+.25		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	10.97	.40	3%+.50		1/2%
Cable Splicers	11.42	.40	3%+.50		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $30,000)	$ 8.65	.40	3%+.25		1/2%
(Electrical contracts $30,000 or more)	10.25	.40	3%+.25		1/2%
Park and Sweetgrass Counties	9.65	.40	3%+.50		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	10.97	.40	3%+.50		1/2%
Custer and Garfield Counties	9.08		3%		1/2%
IRONWORKERS:					
Beaverhead, Brodawater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver bow Cos.	10.66	.65	1.15		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	11.85	.93	1.00		.10
Remaining Counties (including Northern half of Lewis and Clark County)	10.66	.65	1.15		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (West of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	7.60	.25	.10		
Spray	10.40	.25	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure Wheatland (south of the City of Harlowtown), Wibaux 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 (strucrural steel and tanks)	9.96	.49	.20		
Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Philipsburg					
Painter	8.02				
Paint mitts	8.52				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and steepels; Brushing of steel; Spraying and air-less spraying; Work over 30 feet	10.80				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties:					
Painter, brush, preparatory work, Pot Tender, Parking lot and related work, Roller up to 9 inches	$ 8.94	.49	.40		1/2%
Paperhanger, Brush on steel	9.44	.49	.40		1/2%
Water and sandblasting, Application of cold tar products, Epoxies, Polyurethanes and acid resistant paints, Spraying and airless spray	11.19	.49	.40		1/2%
Roller over 9" long	12.54	.49	.40		1/2%
Taper	9.34	.49	.40		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
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
Blaine, Hill, Liebrty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	8.40				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	9.35	.44	.40		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	11.68	.65	.70		.10
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	11.60	.65	.95		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Brodawater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	$ 11.70	.60	.75		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	11.25	.40	.80		.10
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north half of the City of Boulder), Lewis and Clark and Meacher Counties	10.31	.77	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	10.23	.82	.25		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	9.945	.46	3%+.725		.12
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	11.43	.66	.25		.08
Beaverhead, Deer Lodge, Granite, Jefferson (southern half), Madison, Powell and Silver Bow Counties	9.15	.37	.40	1.00	.02

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$ 8.35	.55	.45		.05
Axeman	8.10	.55	.45		.05
Burning Bar	8.26	.55	.45		.05
Car and Truck Loaders, Scissorman	8.10	.55	.45		.05
Caisson Workers (free air)	8.26	.55	.45		.05
Carpenter Tender	8.10	.55	.45		.05
Cement Handlers	8.26	.55	.45		.05
Cement Mason Tender	8.26	.55	.45		.05
Choker Setter	8.26	.55	.45		.05
Chuck Tender and Nipper (above ground)	8.10	.55	.45		.05
Concrete Laborers (wet or dry); Bucketman and Signalman	8.26	.55	.45		.05
Concrete or Asphalt Saw	8.20	.55	.45		.05
Concrete Vibrator (5" and over)	8.40	.55	.45		.05
Cosmolene applying and removing	8.10	.55	.45		.05
Core Drill	8.70	.55	.45		.05
Curb Machine	8.20	.55	.45		.05
Drills, Air-tract, selff-propelled, Cat, or Truck mounted air operated	8.36	.55	.45		.05
Drills, Air-tract, with Dual Mast	8.46	.55	.45		.05
Drills, Air-tract, self-propelled, Mustang type or similar	8.41	.55	.45		.05
Dumpman (Spotter)	8.10	.55	.45		.05
Dumpman (Grademan)	8.26	.55	.45		.05
Fence Erector and Installer (including Installation and Erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	8.10	.55	.45		.05
Form Stripper	8.10	.55	.45		.05
Form Setter	8.20	.55	.45		.05
Grade Setter	8.45	.55	.45		.05
General Laborer	8.10	.55	.45		.05

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hand Faller	$ 8.18	.55	.45		.05
Hand Scaler	8.46	.55	.45		.05
High Pressure Machine Nozzleman	8.30	.55	.45		.05
Heater Tender	8.10	.55	.45		.05
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other Power Tools	8.26	.55	.45		.05
Landscape Laborers	8.10	.55	.45		.05
Nozzleman-Air and Water, Gunite and Placo Machine	8.20	.55	.45		.05
Pipe Layer (all types)	8.26	.55	.45		.05
Pipe Wrapper	8.26	.55	.45		.05
Post Hole Digger (power auger)	8.20	.55	.45		.05
Power Saw, bucking	8.26	.55	.45		.05
Power Saw, falling	8.36	.55	.45		.05
Powderman Helper	8.20	.55	.45		.05
Powderman	8.66	.55	.45		.05
Power Driven Wheelbarrow	8.20	.55	.45		.05
Riprapper	8.26	.55	.45		.05
Riprap Helper	8.10	.55	.45		.05
Scaleman	8.26	.55	.45		.05
Sandblaster	8.30	.55	.45		.05
Sandblaster Tail Hoseman, Pot Tender	8.10	.55	.45		.05
Sodcutter-hand operated	8.10	.55	.45		.05
Spike Driver, single or dual or hand	8.26	.55	.45		.05
Stake Jumper for Equipment	8.10	.55	.45		.05
Switchman	8.26	.55	.45		.05
Tar Pot	8.20	.55	.45		.05
Tool Checker, Toolhouseman	8.10	.55	.45		.05
Welder	9.10	.55	.45		.05

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 9.85	.55	.55	.35	.05
Air Compressor, single	9.54	.55	.55	.35	.05
Air Compressor, two or more	9.71	.55	.55	.35	.05
Air Doctor	10.01	.55	.55	.35	.05
Asphalt Paving Machine	10.01	.55	.55	.35	.05
Asphalt Paving Machine Screed	10.01	.55	.55	.35	.05
Automatic Finegrader, Gurries and other similar types	10.14	.55	.55	.35	.05
Belt Finish Machine	9.71	.55	.55	.35	.05
Bit Grinder	10.01	.55	.55	.35	.05
Bituminous Mixer Paving, Travel Plant	10.01	.55	.55	.35	.05
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	9.60	.55	.55	.35	.05
Boring Machine (large)	10.01	.55	.55	.35	.05
Broom, Self-propelled	9.68	.55	.55	.35	.05
Cableway Highline	10.52	.55	.55	.35	.05
Cement Silo	9.80	.55	.55	.35	.05
Central Mixing Plants, Concrete dam and stationary	10.26	.55	.55	.35	.05
Chain Bucket Loader	9.73	.55	.55	.35	.05
Chip or Gravel Spreader, Self-propelled	9.73	.55	.55	.35	.05
Concrete Batch Plant, one and two mixers	10.01	.55	.55	.35	.05
Concrete Batch plant, three and four mixers	10.21	.55	.55	.35	.05
Concrete Batch Plant, five mixers and over	10.41	.55	.55	.35	.05
Concrete Batch Plant Oiler, up to and including two mixers	9.53	.55	.55	.35	.05
Concrete Batch Plant Oiler, three mixers and over	9.84	.55	.55	.35	.05
Concrete Bucket Dispatcher	10.01	.55	.55	.35	.05
Concrete Curing Machine	10.01	.55	.55	.35	.05
Concrete Finish Machine Paving	10.01	.55	.55	.35	.05
Concrete Float-Spreader	10.01	.55	.55	.35	.05
Concrete Mixer, three bags and under	9.60	.55	.55	.35	.05
Concrete Mixer, four bags and over	9.77	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Power Saw, self-propelled	$ 10.01	.55	.55	.35	.05
Concrete Travel Batcher	10.01	.55	.55	.35	.05
Concrete Conveyor under 40 ft	9.59	.55	.55	.35	.05
Concrete Conveyor over 40 ft.	10.34	.55	.55	.35	.05
Concrete Pump	10.34	.55	.55	.35	.05
Conveyor Loader Operator, up to and including 42' belt	9.59	.55	.55	.35	.05
Conveyor Loader Operator over 42" belt	9.71	.55	.55	.35	.05
Crane, to and including 80' boom	10.17	.55	.55	.35	.05
Crane, 81' to 130' boom	10.32	.55	.55	.35	.05
Crane, 131' to 150' boom	10.37	.55	.55	.35	.05
Crane, 151' boom and over	10.42	.55	.55	.35	.05
Crane Oiler	9.58	.55	.55	.35	.05
Crane with jibs an additional $.15 per hour					
Crusher	10.01	.55	.55	.35	.05
Crusher Oiler and Helper	9.50	.55	.55	.35	.05
Crusher Conveyor, when required	9.47	.55	.55	.35	.05
Distributor	10.01	.55	.55	.35	.05
DW 10, 15, or 20 Tractor pulling Roller	9.73	.55	.55	.35	.05
Electric Overhead Cranes	10.19	.55	.55	.35	.05
Elevating Grader	10.01	.55	.55	.35	.05
Farm type Tractor, up to and including 50 HP engine	9.47	.55	.55	.35	.05
Farm type Tractor, over 50 HP engine	9.55	.55	.55	.35	.05
Field Equipment Serviceman	9.93	.55	.55	.35	.05
Field Equipment Serviceman Helper	9.50	.55	.55	.35	.05
Fireman	9.60	.55	.55	.35	.05
Forklift, on construction job site	9.82	.55	.55	.35	.05
Form Grader	9.78	.55	.55	.35	.05
Gradall	10.01	.55	.55	.35	.05
Grade Setter	9.47	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty Drill, all types	$ 10.01	.55	.55	.35	.05
Heavy Duty Driller Helper	9.60	.55	.55	.35	.05
Herman-Nelson Heaters and similar type	9.55	.55	.55	.35	.05
Hoist, two or more drums	10.01	.55	.55	.35	.05
Helicopter Hoist	10.51	.55	.55	.35	.05
Hot Plant	10.01	.55	.55	.35	.05
Hot Plant Fireman, when in operation	10.01	.55	.55	.35	.05
Hot plant Oiler, 100 ton per hour or over	9.50	.55	.55	.35	.05
Hydra lift and similar types	9.91	.55	.55	.35	.05
Industrial Locomotive all classes	10.01	.55	.55	.35	.05
Mechanic and/or Welder on job	10.11	.55	.55	.35	.05
Mechanic and/or Welder Helper on job	9.50	.55	.55	.35	.05
Mechanic, Shop (Dec. 1 to April 1)	9.71	.55	.55	.35	.05
Mechanic Helper, Shop (Dec. 1 to April 1)	9.17	.55	.55	.35	.05
Mixermobile	10.09	.55	.55	.35	.05
Motot Patrol	10.14	.55	.55	.35	.05
Mountain Logger or similar type	10.01	.55	.55	.35	.05
Mucking Machine	10.01	.55	.55	.35	.05
Oiler-Driver, Rubber Tired Cranes	9.58	.55	.55	.35	.05
Oilers, other than shovels and cranes	9.50	.55	.55	.35	.05
Oiler, hoist house, dams	9.91	.55	.55	.35	.05
Pavement Breaker, Emsco and similar	10.01	.55	.55	.35	.05
Paving and Mixing Machine	10.14	.55	.55	.35	.05
Power Auger, Large Truck or Tractor mounted and Punch	10.01	.55	.55	.35	.05
Power Mixer, single or double drum	10.02	.55	.55	.35	.05
Power Saw, multiple cut, self-propelled	10.01	.55	.55	.35	.05
Pumpcrete or Grout Machine	10.01	.55	.55	.35	.05
Pumpman	9.45	.55	.55	.35	.05
Push Tractor	10.01	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Quad Cat	$10.31	.55	.55	.35	.05
Quad Loader and similar type	10.59	.55	.55	.35	.05
Radiator Repairman	9.82	.55	.55	.35	.05
Raygo Gaint	10.59	.55	.55	.35	.05
Refrigeration Plant	10.01	.55	.55	.35	.05
Retort	9.60	.55	.55	.35	.05
Roller, on blade or hot mix oil paving	10.01	.55	.55	.35	.05
Roller, on other blade or hot mic paving	9.71	.55	.55	.35	.05
Roller, 25 ton or over	10.01	.55	.55	.35	.05
Ross and similar type carriers, on construction site	10.01	.55	.55	.35	.05
Rubber-tired Dozer	10.01	.55	.55	.35	.05
Rubber-tired Front End Loader, 1 yard and under	9.72	.55	.55	.35	.05
Rubber-tired Front End Loader, 1 yard to and including 3 yds.	10.01	.55	.55	.35	.05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10.13	.55	.55	.35	.05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10.23	.55	.55	.35	.05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	10.33	.55	.55	.35	.05
Rubber-tired Front End Loader, over 15 yards	10.43	.55	.55	.35	.05
Scraper, DW 15, 20, 21 and similar type if power unit is not used	10.01	.55	.55	.35	.05
Scraper, single or twin engine pulling belly dump trailer	10.39	.55	.55	.35	.05
Scraper, single engine	10.14	.55	.55	.35	.05
Scraper, twin engine	10.24	.55	.55	.35	.05
Scraper, tandem engine or 3 engine	10.59	.55	.55	.35	.05
Self-propelled Sheepfoot and similar type	10.01	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovels, including all attachments, under 1 cu. yd.	$10.01	.55	.55	.35	.05
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	10.19	.55	.55	.35	.05
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	10.46	.55	.55	.35	.05
Shovels, including all attachments, over 5 cu. yds.	10.59	.55	.55	.35	.05
Shovel Oiler, 3 yards and under	9.50	.55	.55	.35	.05
Shovel Oiler, over 3 cu. yds.	9.91	.55	.55	.35	.05
Slip Form Paver	10.14	.55	.55	.35	.05
Stiff Leg Derrick and Guy Derrick	10.46	.55	.55	.35	.05
Track-type Front End Loaders, up to and including 5 cu. yds.	10.01	.55	.55	.35	.05
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	10.24	.55	.55	.35	.05
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	10.34	.55	.55	.35	.05
Track-type Front End Loaders, over 15 cu. yds.	10.44	.55	.55	.35	.05
Track-type Tractor w/wo attachments	10.01	.55	.55	.35	.05
Track-type Tractor, on Euclid Loader	10.19	.55	.55	.35	.05
Trenching Machine	10.01	.55	.55	.35	.05
Turnhead Conveyor, or Head Tower on Batch Plant	10.01	.55	.55	.35	.05
Wagner Roller and similar type	10.01	.55	.55	.25	.05
Whirley Crane	10.54	.55	.55	.35	.05
Whirley Crane Oiler	9.91	.55	.55	.35	.05
Water Pull when used for Compaction	10.01	.55	.55	.35	.05
Washing and Screening Plant	10.01	.55	.55	.35	.05
Washing and Screening Plant Oiler	9.50	.55	.55	.35	.05
Yo-Yo Cat, both ends	9.56	.55	.55	.35	.05

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To and including 4 cu. yds.	$ 9.01	.65	.50		
Over 4 cu. yds. to and including 6 cu. yds.	9.09	.65	.50		
Over 6 cu. yds. to and including 8 cu. yds.	9.17	.65	.50		
Over 8 cu. yds. to and including 10 cu. yds.	9.25	.65	.50		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER and HELPER	8.99	.65	.50		
DRY BATCH TRUCKS:					
3 Batch or under	8.76	.65	.50		
Over 3 Batch to and including 5 Batch	8.89	.65	.50		
Over 5 Batch to and including 10 Batch	9.05	.65	.50		
Over 10 Batch to and including 15 Batch	9.21	.65	.50		
Over 15 Batch - addtional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.86	.65	.50		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters and Helpers	8.76	.65	.50		
Warehousemen, Partsmen, Cardex Men, Warehouse Expediter	8.96	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards					
7 cu. yds. or less	$ 8.76	.65	.50		
Over 7 cu. yds. to and including 10 cu. yds.	8.89	.65	.50		
Over 10 cu. yds. to and including 15 cu. yds.	9.05	.65	.50		
Over 15 cu. yds. to and including 20 cu. yds.	9.19	.65	.50		
Over 20 cu. yds. to and including 25 cu. yds.	9.25	.65	.50		
Over 25 cu. yds. to and including 30 cu. yds.	9.31	.65	.50		
Over 30 cu. yds. to and including 35 cu. yds.	9.37	.65	.50		
Over 35 cu. yds. to and including 40 cu. yds.	9.43	.65	.50		
Over 40 cu. yds. to and including 45 cu. yds.	9.45	.65	.50		
Over 45 cu. yds. - additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.89	.65	.50		
SERVICEMEN	9.60	.65	.50		
POWER TRUCK DRIVER (bulk unloader type)	8.94 /	.65	.50		
FLAT TRUCKS:					
To and including 3 tons	8.91	.65	.50		
over 3 tons Factory rating	9.11	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	$ 9.35	.65	.50		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	9.11	.65	.50		
LUMBER CARRIERS, LIFT TRUCKS	9.01	.65	.50		
POWER BROOM	8.85	.65	.50		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	8.76	.65	.50		
Over 2,500 gallons to and including 4,500 gallons	9.05	.65	.50		
Over 4,500 gallons to and including 6,000 gallons	9.25	.65	.50		
Over 6,000 gallons to and including 8,000 gallons	9.31	.65	.50		
Over 8,000 gallons to and including 10,000 gallons	9.39	.65	.50		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	9.01 /	.65	.50		
TRUCK MECHANIC	9.75	.65	.50		

MONTANA, LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(Flathead, Lake and Lincoln Cos.)					
All construction of "H" fixtures and steel tower transmission lines with capacity of 69 K.V. voltages and over, Switch yard and substation rated at 5000 K.V.A. and all work not covered by schedule "B".					
SCHEDULE "A"					
Lineman	$11.11	.45	3%		1/2%
Cable Splicer	12.36	.45	3%		1/2%
Powderman, Jackhammer, Compressorman	8.21	.45	3%		1/2%
Line Equipment Operators	9.46	.45	3%		1/2%
Groundman	6.64	.45	3%		1/2%
Groundman (Experienced)	7.70	.45	3%		1/2%
All work for power utilities except work covered under Schedule "A", all highway lighting, street lighting and motor traffic controlling.					
SCHEDULE "B"					
Lineman	9.93	.45	3%		1/2%
Cable Splicers	11.04	.45	3%		1/2%
Pole Sprayer	9.81	.45	3%		1/2%
Line Equipment Operators	8.61	.45	3%		1/2%
Powderman, Jackhammer, Compressorman	7.50	.45	3%		1/2%
Groundman	7.04	.45	3%		1/2%
Tree Trimmer	10.20	.45	3%		1/2%

MONTANA LINE CONSTRUCTION

LINE CONSTRUCTION (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties					
Jobs over 69,000 Volts:					
Lineman, Pole Sprayer	$9.74	.35	3%		1/2%
Cable Splicer	10.27	.35	3%		1/2%
Line Equipment Operator; Powderman	8.89	.35	3%		1/2%
Groundman	7.27	.35	3%		1/2%
Jobs 69,000 Volts or less:					
Lineman	9.07	.35	3%		1/2%
Cable Splicer	10.07	.35	3%		1/2%
Line Equipment Operators; Powderman	8.88	.35	3%		1/2%
Groundman	6.11	.35	3%		1/2%
Experienced Groundman (1000 hours); Truck Drivers	6.93	.35	3%		1/2%

DECISION NO. MT78-5027

MONTANA DREDGING

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Assistant Mate (Deckhand)	$10.04	.60	1.05		.11
Fireman	10.14	.60	1.05		.11
Oiler	10.14	.60	1.05		.11
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	10.48	.60	1.05		.11
Mates and Boatman	10.48	.60	1.05		.11
Engineer Welder	10.53	.60	1.05		.11
Craneman	10.53	.60	1.05		.11
Assistant Engineer (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	10.58	.60	1.05		.11
Leverman, Dipper:					
(a) 5 Yards and Under	11.29	.60	1.05		.11
(b) Over 5 Yards	11.84	.60	1.05		.11
Leverman, Hydraulic	10.90	.60	1.05		.11

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA
DECISION NO.: PA78-3012

COUNTIES: CLINTON, CENTRE, HUNTINGDON FULTON & MIFFLIN
DATE: DATE OF PUBLICATION

SUPERSEDES DECISION NO. PA77-3102, dated July 22, 1977, in 42 FR 37754
DESCRIPTION OF WORK: BUILDING CONSTRUCTION, (DOES NOT INCLUDE SINGLE FAMILY HOMES AND GARDEN TYPE APARTMENTS UP TO AND INCLUDING 4 STORIES).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Abestos Workers					
ZONE 1	$10.70	.65	.60		.01
ZONE 2	10.76	.67	.90		.01

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE - 1 Clinton County
ZONE - 2 Centre, Huntingdon, Fulton and Mifflin Counties

Boilermakers	12.80	1.05	1.00		.02
Bricklayers & Stonemasons					
ZONE I	9.55	.60	.80		.03
ZONE II	9.75	.65	.60		.015
ZONE III	9.60	.45	.50		.025
ZONE IV	10.55	.60	.80		.03

AREA COVERED BY BRICKLAYERS AND STONEMASONS ZONES

ZONE - 1 Fulton and Huntingdon Counties
ZONE - 2 Mifflin County
ZONE - 3 Clinton County in its entirely, and the Remainder of Centre County
ZONE - 4 Townships in Centre County, Rush, Halfmoon, Taylor, Patton, Worth and Huston

Carpenters & Soft Floor Layers	9.80	6%	8%	6%	.40 of 1%
Cement Masons					
ZONE 1	10.39				
ZONE 2	10.45	12%	6%		
ZONE 3	10.035	.55	.40		

AREA COVERED BY CEMENT MASONS ZONES

ZONE - 1 Centre, Clinton and Mifflin Counties
ZONE - 2 Huntingdon County
ZONE - 3 Fulton County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers					
ZONE 1	$10.09	.72	.82	.83	.01
ZONE 2	9.39	.40	.40		.01

AREA COVERED BY GLAZIERS ZONES

ZONE - 1 Centre, Fulton Huntingdon & Mifflin Counties
ZONE - 2 Clinton County

Electricians					
ZONE 1	12.10	.40	.20+3%	.60	.10
ZONE 2	10.36	.65	3%+.31		3/4 of 1%
ZONE 3	9.23	.40	3%+.35	.60	.02

AREA COVERED BY ELECTRICIANS ZONES

ZONE - 1 Fulton Huntingdon and Remainder of Centre County
ZONE - 2 Mifflin County
ZONE - 3 Clinton County in its entirety; Townships in Centre County; Burnside, Curtin, Libery, Howard, Marion, Walker, Miles and Haines

Elevator Constructors	10.20	.745	.56	a+b	.02
Elevator Constructors Helpers	70%of JR	.745	.56	a+b	.02
Elevator Constructors Helpers (Prob.)	50 of JR				
Ironworkers					
ZONE 1	10.835	.70	1.155		.07
ZONE 2	11.28	.84	1.36		.03
ZONE 3	10.44	.60	.90		

AREA COVERED BY IRONWORKERS ZONES

ZONE - 1 Centre and Clinton Counties
ZONE - 2 Huntingdon and Mifflin Counties
ZONE - 3 Fulton County

Laborers					
ZONE 1					
Unskilled laborers	7.70	10%	8%		
Plasterers Tenders	7.75	10%	8%		
ZONE 2					
Unskilled laborers	7.55	10%	8%		
Plasterers Tenders	7.60	10%	8%		

AREA COVERED BY LABORES ZONES

ZONE - 1 Clinton, Centre and Mifflin Counties
ZONE - 2 Fulton and Huntingdon Counties

30-000 -28 3 149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers					
ZONE 1	$10.49		.25		.01

AREA COVERED BY LATHERS ZONES

ZONE - 1 Centre, Clinton and Huntingdon Counties

Lead Burners	10.75	.40	.25	c	.01
Line Construction					
ZONE 1					
Lineman	12.83	.45	3%		3/8%
Groundman	7.70	.45	3%		3/8%
Winch truck operator	8.98	.45	3%		3/8%
ZONE 2					
Lineman, dynamite man, heavy equipment operators	10.80	.50	3%		3/8%
Groundman	7.26	.50	3%		3/8%
Winch truck operator	7.59	.50	3%		3/8%
ZONE 3					
Lineman	10.81	.40	3%		3/8%
Winch truck operator	7.54	.40	3%		3/8%
Groundman	6.45	.40	3%		3/8%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE - 1 Centre, Fulton and Huntingdon Counties
ZONE - 2 Clinton County
ZONE - 3 Mifflin County

Millwrights	9.86	6%	6%	22%	½%
Painters					
ZONE 1					
Brush	9.30	.50	.30		.05
Tapers	9.56	.50	.30		.05
Hazardous	10.56	.50	.30		.05
ZONE 2					
Commercial					
Brush & Roller	9.49	.75	.45		.02
Spray	9.54	.75	.45		.02
Industrial					
Brush & Steel	10.24	.75	.45		.02
Spray	10.74	.75	.45		.02

AREA COVERED BY PAINTERS ZONES

ZONE - 1 Clinton County
ZONE - 2 Centre, Fulton, Huntingdon and Mifflin Counties

30-000 -28 3 150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledrivermen	$11.15	5.5%	10%		.50%
Plumbers & Steamfitters					
ZONE 1	10.56	.69	.50	.20	.05
ZONE 2	11.20	.78	1.03		.22
ZONE 3	11.15	.30	.75		.12

AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE - 1 Clinton County
ZONE - 2 Huntingdon County
ZONE - 3 Centre, Fulton & Mifflin Counties

Roofers					
ZONE 1					
Composition, damp and waterproof workers	7.90	.35	.40		
Slate and tile roofers	8.35	.35	.40		
ZONE 2					
Composition & kettleman	9.65	.85	.80		
ZONE 3					
Composition roofers	11.41	.77	1.50		.06
ZONE 4					
Composition roofers	10.06	.80	.55		

AREA COVERED BY ROOFERS ZONES

ZONE - 1 Fulton County
ZONE - 2 Clinton County
ZONE - 3 Huntingdon County
ZONE - 4 Centre & Mifflin Counties

Sheet Metal Workers					
ZONE 1	11.12	.50	.50		.02
ZONE 2	10.05	1.39	1.18		.05

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE - 1 Clinton County
ZONE - 2 Centre, Huntingdon, Fulton Mifflin Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sprinkler Fitters	$12.31	.75	1.15		.08
Truck Drivers:					
ZONE 1					
Service, dump, flat top, jeep, fuel & water	6.96	d	e		
Transit mix, dump trailer, winch truck	7.04	d	e		
Euclid & tractor trailer	7.11	d	e		
Helpers	6.86	d	e		
Zone 2					
Pick-ups, dump, service trucks, flat trucks to and including 2 license plates	7.99	f	g		
Transit-mix, winch trucks, tractor, all types euclids, ross lumber & trucks over 2 plates	8.24	f	g		
ZONE 3	7.20				

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE - 1 Centre, Huntingdon, Fulton Counties
ZONE - 2 Mifflin County
ZONE - 3 Clinton County

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

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.

c. 8 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. $59.90 per month.

e. $14.00 per week.

f. $71.37 per month per employee who have worked sixty (60) hours during the month.

g. $41.95 per month for employee who have worked sixty (60) hours or more during the month.

DECISION NO. PA78-3012	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$11.875	.65	.80		.09
CLASS 1 - A	12.125	.65	.80		.09
CLASS 1 - B	12.375	.65	.80		.09
CLASS 1 - C	12.625	.65	.80		.09
CLASS 2 -	11.725	.65	.80		.09
CLASS 3	10.10	.65	.80		.09
CLASS 3 A	10.60	.65	.80		.09
CLASS 4	9.45	.65	.80		.09
CLASS 5	8.40	.65	.80		.09
CLASS 6	8.70	.65	.80		.09
CLASS 6 - A	8.80	.65	.80		.09
CLASS 6 - B	8.95	.65	.80		.09
CLASS 6 - C	9.45	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

DECISION NO. PA78-3012

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings),euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine,refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

DECISION NO. PA78-3012

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand,helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

STATE: VIRGINIA
DECISION NO. 78-VA-3038
Supersedes Decision No. AP-805 dated May 4, 1973 in 38 FR 11279
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION

COUNTIES: ACCOMACK, GREENSVILLE, ISLE OF WIGHT, JAMES CITY, NORTHAMPTON, SOUTHAMPTON, SURRY, SUSSEX, YORK, THE CITIES OF EMPORIA, FRANKLIN, SUFFOLK AND WILLIAMSBURG
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$ 3.00				
Carpenters, Structure	5.30				
Carpenter, Structure Helper	3.50				
Concrete Finisher	4.40				
Concrete Finisher Helper	3.61				
Electricians	9.05				
Flagman	3.00				
Form Setter Road	4.00				
Guard Rail/Fence Erector	4.50				
Laborers, Unskilled	3.00				
Mechanic	5.16				
Piledriver Leadsman	4.50				
Pipelayer	3.30				
Sign Erector	3.55				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paver	3.94				
Backhoe	4.86				
Bulldozer	5.00				
Bulldozer, Utility	3.50				
Concrete Paving Machine	5.00				
Crane, Derrick, Dragline (1 yd. & under)	5.00				
Crane, Derrick, Dragline (over 1 yd.)	5.75				
Loader (2 yds & under)	4.69				
Loader (over 2 yds.)	5.00				
Motor Grader (Fine Grade)	5.18				
Motor Grader (Rough Grade)	5.03				
Oiler - Greaser	4.00				
Power Tool	4.17				
Roller (Rough)	4.00				
Roller (Finish)	3.50				
Scraper-Pan	5.00				
Stone Spreader	4.50				
Tractor, Utility	4.00				
Truck Drivers:					
Heavy Duty (7 c.y. & under)	3.00				
Heavy Duty (over 7 c.y.)	3.10				
Multi Rear Axle	3.25				
Single Rear Axle	3.15				

[FR Doc. 78-11291 Filed 4-27-78; 8:45 am]

Federal Register

FRIDAY, APRIL 28, 1978
PART III



SECURITIES AND EXCHANGE COMMISSION

Filing and Disclosure Requirements Relating to Beneficial Ownership

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5925; 34-14692; IC-10212]

FILING AND DISCLOSURE REQUIREMENTS RELATING TO BENEFICIAL OWNERSHIP

Final Rules

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announced: (1) The amendment of rules and a schedule governing the disclosure of the beneficial ownership and related information of certain equity securities which were previously scheduled to take effect on April 30, 1978; (2) the adoption of a new schedule which sets forth the disclosure requirements for reporting beneficial ownership and related information of certain equity securities by certain institutional investors; and (3) the rescission of the short form acquisition notice which would have been available to certain of the institutional investors who are instead eligible to use the new schedule adopted herein. The Commission took these actions as a result of the practical and interpretative difficulties anticipated by certain institutional investors in complying with the beneficial ownership disclosure requirements scheduled to take effect on April 30, 1978. The amended rules and schedule and the new short form schedule represent an effort by the Commission to strike a more appropriate balance between the burdens imposed on persons who are required to report thereunder and the need for adequate disclosure of the ownership of equity securities.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

John Granda, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1750.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the amendment of rules and Schedule 13D (17 CFR 240.13d-101) which were adopted on February 24, 1977, and scheduled to take effect on April 30, 1978, the adoption of new Schedule 13G (17 CFR 240.13d-102),and the rescission of Form 13D-5 (17 CFR 240.13d-102) relating to disclosure by certain beneficial owners of securities pursuant to section 13(d) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub L. No. 94-29 (June 4, 1975) and Pub. L. No. 95-213 (December 19, 1977)). At the same time, the Commission amended certain of its forms and schedules under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq.) and under the Exchange Act to require issuers to disclose in a more uniform manner the percentage of their securities beneficially owned by certain persons.

In large part the Commission believes that its action is responsive to many of the comments submitted with respect to the institutional investor objections raised in Exchange Act Release No. 34-13900 (42 FR 44964) and the concerns raised by these institutional investors with respect to the availability of the short form acquisition notice, the overlap under rules implementing section 13(f), practical problems and definitional and interpretative problems. In addition, some of the amendments to the rules and to Schedule 13D proposed in Exchange Act Release No. 34-13292 (42 FR 12355) have been adopted. The Commission has also concurrently published for comment proposed rules to implement newly enacted section 13(g) of the Exchange Act.

I. BACKGROUND

As part of the Williams Act Amendments,[1] Pub. L. 90-439, Congress added section 13(d) to the Exchange Act. Generally, section 13(d) requires a report by any person (or group of persons) who, as a result of an acquisition, becomes the beneficial owner of more than 5 percent of certain classes of equity securities of certain issuers. The legislative history of that section indicates that it was intended to provide information to the public and the affected issuer about rapid accumulations of its equity securities in the hands of persons who would then have the potential to change or influence control of the issuer.[2]

In November and December 1974, the Commission conducted a Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons ("Beneficial Ownership Hearings").[3] The testimony of witnesses and letters of comment highlighted certain issues regarding reporting of beneficial ownership and the need for rulemaking action by the Commission.

Based on the testimony, exhibits and written comments contained in the record of the Beneficial Ownership Hearings and on its own experience, the Commission published on August 25, 1975, its "Proposals Relating to Disclosure of Beneficial Owners and Holders of Record of Voting Securities" ("1975 Ownership Proposals").[4] The proposals recognized the need for more objective standards for the application of the key statutory terms "beneficial owner," "acquisition" and "group." In response to these proposals the Commission received over 225 letters of comment from interested persons.[5]

On the basis of the letters of comment and on its own experience, the Commission on February 24, 1977, announced the amendment of the then existing rules and Schedule 13D (the amended Schedule 13D is hereinafter referred to as "old Schedule 13D") and the adoption of new rules (hereinafter referred to as "old rules") and Form 13D-5 relating to disclosure by certain beneficial owners of securities pursuant to section 13(d) of the Exchange Act.[6] The Commission also concurrently published for comment proposed amendments to those rules and Schedule 13D ("proposed amendments").[7] All of the rules, forms, and schedules which were adopted or amended were originally scheduled to become effective on August 31, 1977. However, as a result of the practical and interpretative issues raised by institutional investors regarding compliance with the old rules, as well as objections to the exclusion of insurance companies from the use of the short form acquisition statement, the Commission deferred their effective date to April 30, 1978.[8]

In order to assure that its actions were fully responsive to the public interest, the Commission invited public comment with respect to the issues raised by the institutions.[9] In response to the Commission's invitation 31 commentators submitted their views with respect to the issues set forth in Exchange Act Release No. 13900 (42 FR 44964).[10] Most of the letters of comment focused on each of the areas encompassed by the release, viz., the availability of the short form, the

---

[1] Secs. 13(d), 13(e), 14(d), 14(e), and 14(f) of the Exchange Act.

[2] S. Rept. No. 550, 90th Cong., 1st Sess. 7 (1967); H.R. Rept. No. 1711, 90th Cong., 2d Sess. 8 (1968) and Hearings on S. 510 before the Subcom. on Securities of the Senate Comm. on Banking and Currency, 90th Cong., 1st Sess. (1967).

[3] Exchange Act Release Nos. 11003 (Sept. 9, 1974) (39 FR 33855) and 11088 (Nov. 5, 1974) (39 FR 41223).

[4] Exchange Act Release No. 11616 (Aug. 25, 1975) (40 FR 42212).

[5] See SEC Docket S7-580.

[6] Exchange Act Release No. 34-13291 (Feb. 24, 1977) (42 FR 12342).

[7] Exchange Act Release No. 34-13292 (Feb. 24, 1977) (42 FR 12355).

[8] Exchange Act Release No. 13844 (Aug. 10, 1977) (42 FR 41405).

[9] Exchange Act Release No. 13900 (Aug. 29, 1977) (42 FR 44964).

[10] See SEC File S7-714.

overlap under proposed Rule 13f-1,[11] practical problems, and definitional and interpretative problems. While comment was also specifically invited on the issue of whether, and how, the definition of beneficial ownership should be revised to alleviate the institution's problems, few letters addressed it.

An additional development since the old rules were adopted was the enactment of the Domestic and Foreign Investment Improved Disclosure Act of 1977 (the "Act") (title II of Pub. L. 95-213). The Act was signed by the President on December 19, 1977, and became effective on that date. Among other things, it amended section 13(d)(1) to specifically authorize the Commission to obtain disclosure of certain matters which had previously been required to be disclosed under the old rules pursuant to the Commission's general rulemaking authority. Thus, residence, citizenship, and the nature of the beneficial ownership were added to the list of specifically enumerated disclosures which may be required by the Commission. The Act also authorizes the Commission to require disclosure of the background, identity, residence, and citizenship of each associate of the beneficial owner.

The Act also adds a new section 13(g) to the Exchange Act which requires any person who owns more than 5 percent of a class of securities described in section 13(d)(1) of the Exchange Act to disclose to the Commission and to the issuer of the security in such form and at such times as the Commission by rule may specify: The person's identity, residence, citizenship, the number and description of the shares in which such person has an interest and the nature of such interest. Although section 13(g)(1) would require disclosure of the information prescribed regardless of whether the person was required to report similar information under other sections of the Exchange Act, section 13(g)(5) directs the Commission to take such steps as are necessary and appropriate in the public interest and for the protection of investors to achieve centralized reporting of the information, to avoid unnecessarily duplicative reporting, and to minimize the compliance burden on persons required to report. The principal effect of section 13(g), therefore, is to provide the authority necessary to close certain gaps in the disclosure requirements under section 13(d).[12] The principal classes of persons who are currently not required to report are those who acquired their securities prior to December 22, 1970, and those who acquire not more than 2 percent of a class of securities within a 12 month period.

The Commission has today also published for comment rules under section 13(g) which would, inter alia, require these persons to disclose the information called for by the abbreviated acquisition schedule adopted herein. A more comprehensive system for disclosure of ownership interests would thereby be created in accordance with Congress' intent in enacting section 13(g).[13]

II. Synopsis of Adopted and Amended Rules and Forms

This synopsis is included in order to assist all interested persons in their understanding of and compliance with the filing and disclosure provisions of the rules and schedules adopted and amended herein. However, attention is directed to the actual text of the rules and schedules for a more complete understanding.

A. Provisions Relating to Obligations of Beneficial Owners

(1) *Rule 13d-1: Filing of Schedules 13D and 13G.* The essential requirements of old Rules 13d-1 (17 CFR 240.13d-1) and 13d-5 (17 CFR 240.13d-5) have been included in new Rule 13d-1 so that a person may look to a single rule to determine whether he has a reporting obligation and if so, how that obligation may be satisfied. This is an initial step in the adoption of an integrated ownership reporting system to be denominated as Regulation 13D-G. As indicated in Exchange Act Release No. (43 FR —), when rules have been adopted to implement section 13(g), the filing requirements under that section would appear as paragraph (c) of Rule 13d-1 with the remaining provisions of Rule 13d-1 being re-designated accordingly.

(a) *Rule 13d-1(a): Filing of Schedule 13D.* Rule 13d-1(a) has not been changed substantively from the revision adopted in Exchange Act Release No. 34-13291 (42 FR 12342). However, the provision relating to the types of equity securities the ownership of which gives rise to a filing requirement is now in Rule 13d-1(c), rather than in Rule 13d-1(a); and the provision which permits persons to rely upon the information set forth in the issuer's most recent quarterly or annual report and current report subsequent thereto in determining the amount of outstanding shares of a class of equity securities now appears in Rule 13d-1(d), rather than in Rule 13d-1(a). Further, the filing fee requirement has been transferred from Rule 13d-1(a) to a separate fee rule, Rule 13d-7 (17 CFR 240.13d-7), which applies to filings on both Schedules 13D and 13G. Finally, the number of copies of Schedule 13D which are required to be filed with the Commission has been reduced from eight to six.

(b) *Rule 13d-1(b): Filing of Schedule 13G.* New Rule 13d-1(b) and new Schedule 13G correspond to old Rule 13d-5 and former Form 13D-5, respectively. However, certain substantive changes have been made in order to achieve a more satisfactory balancing of the costs and benefits attendant to the disclosure elicited thereunder, including revisions of the categories of persons eligible to use Schedule 13G to include insurance companies, as defined in section 3(a)(19) of the Exchange Act.

The Commission has not adopted the position taken by the majority of commentators that reporting under section 13(f) of the Exchange Act should serve as the exclusive reporting obligation for institutional investors who disclaim any intention of investing for purposes of influencing control or management. The Commission is, however, contemplating a revision of proposed Rule 13f-1 which will reduce the possibility of duplicative filing requirements.

Proposed Rule 13f-1 was proposed pursuant to section 13(f) of the Exchange Act. It provides that institutional investment managers which exercise investment discretion over accounts holding over $100,000,000 of equity securities designated "section 13(f) securities" must file a proposed Form 13F on a quarterly basis to report certain information regarding those accounts. "Section 13(f) securities" are defined to include all classes of securities described in section 13(d)(1) of the Exchange Act that are listed on a national securities exchange or quoted on the automated quotation system of a registered association (e.g. the NASDAQ system) and that are contained in the most recent list of section 13(f) securities proposed to be published by the Commission.

Proposed Rule 13f-1 also provides that an institutional investment manager shall be deemed to exercise investment discretion not only when it has the power described in the definition of that term in section 3(a)(35) of the Exchange Act (15 U.S.C. 78(a)(35)), but also when it is deemed to be the beneficial owner of the securities in the account under section 13(d). The inclusion of beneficial ownership within the scope of investment discretion was an attempt to ease the burden on institutions in that it was thought that they would have to make fewer determinations in deciding which securities they are "beneficial owner" of for purposes of section 13(d) and which they exercise investment discretion with respect to for purposes of section 13(f). It appears instead

[11] Exchange Act Release No. 34-13396 (Mar. 30, 1977) (42 FR 16831).

[12] S. Rep. No. 114, 95th Cong. 1st Sess. 13 (1977).

[13] Id., at 14.

that this created more problems than it helped solve. The Commission therefore intends to eliminate beneficial ownership as a reporting trigger under section 13(f). This should assist in reducing the reporting overlap under the two sections.

Provision has also been made in Schedule 13G for incorporation by reference of information contained in whatever form is ultimately adopted under section 13(f) for those persons who are required to file under both sections. Since investment discretion subsumes investment power and section 13(f) requires reporting of voting authority, the Commission believes that incorporation by reference of relevant information will satisfy the purpose of section 13(d) while at the same time avoiding unnecessary duplication.

Beyond provision for incorporation by reference, however, the Commission continues to believe that the purposes of section 13(d) could not be effected if section 13(f) were the exclusive source of filing obligations for institutional investors. Because of the differences between section 13(f) and section 13(d) not all institutions subject to section 13(d) would be subject to section 13(f). For example, an institution with a portfolio of "section 13(f) securities" which does not exceed $100,000,000 would not be subject to section 13(f), but would be subject to section 13(d). Also all securities subject to section 13(d) would not be subject to section 13(f), since the proposal is to include only listed and NASDAQ securities in reports pursuant to that section. An additional impediment is that section 13(f) provides for the confidentiality of certain information. There are no such provisions in section 13(d) and confidentiality might defeat the purposes of that section.

Congressional recognition of the importance of disclosing to the public the location of rapidly accumulated blocks of stock, even though they have been acquired not with the purpose or with the effect of changing or influencing control, is expressed in section 13(d)(5) of the Exchange Act. That this is a realistic need has recently been underscored by the pivotal role played by investment managers holding large blocks of stock in surprise tender offers.

In addition, section 13(g) and its legislative history reveal a clear Congressional intent to achieve a comprehensive disclosure system of corporate ownership. For the same reasons discussed in comparing the differences between sections 13(d) and 13(f), not all institutions subject to 13(g) would be subject to 13(f). Reporting under section 13(f) therefore cannot be made the exclusive reporting obligation for institutions if the purpose of section 13(g) is to be realized. Accordingly, since the Commission would have to obtain the information now required pursuant to section 13(d)(5) under section 13(g) in any event, the enactment of section 13(g) has rendered moot the issue of whether obtaining such disclosure under section 13(d)(5) is within the primary purpose of section 13(d).

The introductory language in old Rule 13d-5 which described the obligation to file thereunder has been revised in new Rule 13d-1(b) in order to avoid repetition and to clarify that persons subject thereto are not required to file under Rule 13d-1(a).

Old Rule 13d-5 would have required a person to file former Form 13D-5 if at any time during the quarter such person acquired, in the ordinary course of business and not for the purpose of changing or influencing control, beneficial ownership of a class of equity security exceeding five percent, regardless of whether his ownership as of the end of the quarter exceeded that amount. This requirement was objected to by institutions on the ground that a costly daily monitoring system would have to be established in order to determine when, if ever, the aggregate amount of securities held in numerous individual accounts exceeded five percent.

The Commission believes that the utility of ownership disclosure where the acquisition is in the ordinary course of business and there is no purpose or effect of changing or influencing control does not warrant expenditures of the magnitude said to be necessary for the operation of a daily tracking system. Accordingly, the first proviso in new Rule 13d-1(b) has been added to make clear that the obligation to file a Schedule 13G under this provision need be determined only on the last day of the calendar year. New provisions which may require more frequent reporting on Schedule 13G if larger amounts of securities are acquired are discussed below. Nonetheless, it should be understood that any acquisition during the year which was not in the ordinary course of business, or was for the purpose or effect of influencing or changing control would be subject to disclosure in a Schedule 13D.

Except as described later, new Schedule 13G is to be filed annually whereas former Form 13D-5 was required to be filed quarterly. This change represents an effort to reduce the reporting burden on institutions required to file Schedule 13G.

Old Rule 13d-5(a) required that former Form 13D-5 be filed within ten days after the end of the calendar quarter in which a person became obligated to report under section 13(d)(1). This requirement was criticized on the ground that ten days was too short a time to collect the information necessary to prepare a Form 13D-5. Reasons such as added expense, the need for management review and analysis of the data, the slowness of the mails, and the press of other regulatory reporting requirements at the end of the quarter were all cited as bases for extending the filing period.

In view of these difficulties, the Commission believes that except when the reporting person is subject to Rule 13d-1(b)(3), extension of the filing period is consistent with the objectives of section 13(d)(5). Accordingly, filing Schedule 13G to disclose a beneficial ownership interest of more than five but not more than ten percent will be required forty-five days after the end of the calendar year.

The forepart of the Rule has also been revised to conform certain procedural aspects to Rule 13d-(1)(a). Thus, the number of copies of the statement filed under Rule 13d-1(b) is reduced from eight to six. The filing fee requirement has been removed from the Rule and placed in new Rule 13d-7, which sets forth a revised fee structure.

Rule 13d-1(b)(1)(i) is unchanged from the comparable provision in old Rule 13d-5(a). Thus, Schedule 13G may be used by a specified institutional person only when such person is acquiring and holding securities in the ordinary course of business, and not with the purpose or with the effect of changing or influencing control of the issuer, or in connection with or as a participant in any transaction having such purpose or effect.

The Commission has determined not to adopt a proposal that would have caused former Form 13D-5 to be unavailable if any of the securities being reported on were purchased at the direction of another person. This amendment was intended to assure further that such securities were acquired in the ordinary course of business and not with the purpose or effect of changing or influencing the control of the issuer.

The commentators were opposed to the proposal because they believed that all the persons who were permitted to use former Form 13D-5, other than investment advisers, at some point would be purchasing securities at the direction of another person. It was also noted that purchases at another's direction are in the ordinary course of business of bank trust departments and mutual funds, but in these situations no intent to control is necessary. They also observed that the requirement is unnecessary since the person directing the purchase would have an independent obligation to file Schedule 13D.

The use of new Schedule 13G as adopted herein is expressly limited to the persons specified in subparagraph (ii) of new Rule 13d-1(b)(1). With certain significant exceptions, the persons listed are the same as those in old

Rule 13d-5(a)(2). Thus, certain brokers, dealers, banks, investment companies, investment advisers, employee benefit plans, pension funds, parent holding companies, and groups continue to be eligible to use Schedule 13G. Old Rule 13d-5(a)(2), however, did not permit insurance companies to use old Form 13D-5, and as a result three rulemaking petitions, pursuant to the Commission's rules of practice (17 CFR 201.4), were filed seeking to have the Commission amend Rule 13d-5 to permit insurance companies to use the short form. Comment was specifically invited as to whether insurance companies generally, or life insurance companies or property and casualty insurance companies specifically, should qualify for inclusion in Rule 13d-5 as a class of beneficial owners entitled to use Form 13D-5 in lieu of Schedule 13D.

The commentators favored the use of Form 13D-5 by insurance companies. In their view, an adequate basis does not exist for distinguishing insurance companies from the other institutional investors who would be permitted to use Form 13D-5. In this regard, it was argued that most insurance companies are subject to uniform state regulation which is comparable to or, in the case of life insurance companies, more stringent than the regulation to which the other eligible institutional investors are subject. Certain commentators also maintained that insurance company investment decisions are essentially similar to those made by other institutional investors. The relevance of the adequacy of state regulation as a substitute for the protection to investors afforded by disclosure under section 13(d) was also questioned on the ground that the sole concern should be whether the public interest will be satisfied and investors protected if Form 13D-5 rather than Schedule 13D is filed by insurance companies. In addition, they contended that there has been an inadequate showing of any relationships between insurance companies as a group and violations of the Williams Act. Further, they argued, the availability of short form is necessary to avoid costly and duplicative reporting requirements for insurers.

In light of these comments the Commission believes that a sufficient basis exists to permit insurance companies to use Schedule 13G. During this period the reporting and disclosure practices under the Williams Act of insurance companies as well as others entitled to use the short form will be carefully monitored for the purpose of determining whether investor protection would be better served by limiting them to the use of Schedule 13D.

Under old Rule 13d-5(a)(2)(v) any pension fund was eligible to use old Form 13D-5. The Commission has, however, determined that only those pension plans which are subject to the provisions of the Employment Retirement Income Security Act of 1974 ("ERISA") are governed by uniform regulatory controls which are adequate to permit them to file Schedule 13G.

Under old Rule 13d-5(a)(2)(vi) a parent holding company could only use Form 13D-5 to report the indirect acquisition of the beneficial ownership of securities from subsidiaries which were specified in Rule 13d-5(a)(2). This requirement was criticized because the attribution to a parent of beneficial ownership of securities from a subsidiary which was not so specified precluded the parent from using the short form. Thus, a bank holding company with several bank subsidiaries and a single finance company would have been denied the use of the short form if the finance company owned a single share of the subject section 13(d) security.

However, the complete elimination of the qualification of the parent's subsidiaries as a condition to the use of Schedule 13G would effectively make the short form available to anyone who chooses to erect a holding company structure. While such a result is obviously unsatisfactory, the Commission is mindful that the denial of the use of the short form because of the attribution of ownership of even a de minimis amount of securities may work an unduly harsh result. The comments indicate that this would be particularly likely if bank holding companies were not permitted to use the short form because of attribution from ineligible subsidiaries in view of the fact that, at least for the largest banks, substantially less than 1 percent of the securities deemed to be owned by each bank holding company is held by such subsidiaries. The statutory and regulatory limitations on the bank holding company activities were also pointed to as indicating that there is no purpose to be served by requiring that all subsidiaries be qualified for a bank holding company to file a short form.

The Commission believes that the addition of a de minimis proviso with respect to the attribution of ownership from nonqualifying subsidiaries will strike an appropriate balance between the applicable burdens and the benefits of limiting the use of the short form within the intendment of section 13(d)(5). Accordingly, under Rule 13d-1(b)(1)(ii)(G) the attribution of not more than 1 percent of a class of securities from a nonqualifying subsidiary will not preclude the parent from utilizing the short form if the information called for by Schedule 13D is furnished in the parent's Schedule 13G with respect to the securities of such subsidiary.

As adopted, old Rule 13d-5 limited the use of former Form 13D-5 to domestic persons. A proposed amendment to the rule would have made Form 13D-5 available to foreign entities who otherwise qualified, provided that they agreed to make available to the Commission in the United States the same information they would be required to furnish in responding to the disclosure requirements of Schedule 13D. The Commission has determined not to adopt this amendment in view of the substantial enforcement difficulties encountered in seeking to assure compliance by foreign persons with the provisions of section 13(d). Nonetheless, the Commission will entertain applications for exemptive orders submitted by foreign institutional investors to enable them to report their beneficial ownership on Schedule 13D, when the acquisitions are in the ordinary course of business and not with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with or as a participant in any transaction having such purpose or effect. In this context, the Commission may consider what further conditions would be appropriate in connection with the granting of any such applications.

Old Rule 13d-5(a)(2)(vii) permitted a group, as that term is defined by section 13(d)(3) of the Exchange Act, to use former Form 13D-5 if all the members of the group were persons specified in Rule 13d-5(a)(2) and the securities were acquired in a transaction exempt from registration under the Securities Act of 1933 pursuant to section 4(2) thereof. Institutional private placements were singled out for reporting by groups on old Form 13D-5 because the Commission believed that they represented a frequent type of acquisition in which concerted action among the purchasers took place in the ordinary course of business and not with the purpose or with the effect of changing or influencing the control of the issuer. The significance attached to compliance with section 4(2) of the Securities Act was that it helped to insure that the acquisition was a typical institutional private placement.

The commentators, however, maintained that there are situations other than institutional private placements in which a group acquires a security in the ordinary course of the members' business and not with the effect or changing of influencing control. It was also argued that qualification of a non-public offering under section 4(2) of the Securities Act depends primarily on the actions of the issuer rather than of the purchasers and is therefore an inappropriate condition to the use by groups of what is now Schedule 13G.

Although the Commission believes that situations, other than the private

placement of securities directly from the issuer, in which Schedule 13G may be appropriately used by groups are probably quite limited, the Commission does not wish to unduly restrict the Rule's flexibility so long as all of its conditions are met. Moreover, by not prescribing the specific types of group acquisitions which qualify for the use of Schedule 13G, it will also be available for novel, albeit legitimate, arrangements which are not now in the record before the Commission. Accordingly, compliance with section 4(2) of the Securities Act has therefore been eliminated from Rule 13d-1(b)(1)(ii)(H) as a condition to the use of Schedule 13(g) by groups.

Except for minor editorial changes, Rule 13d-1(b)(1)(iii) is identical to old Rule 13d-5(a)(3). It requires that in order to use Schedule 13G the reporting person must have promptly notified any discretionary account owner, on whose behalf it holds securities which amount to more than 5 percent of the class, of any acquisition or transaction which might subject such person to the reporting requirements of section 13(d). It is contemplated that such account owners would be notified of information known to the reporting person which would reasonably inform such account owner of his ownership and a possible obligation to report under section 13(d). The Commission continues to believe that this provision is necessary since such person may be the beneficial owner of securities held in the account, pursuant to Rule 13d-3(d)(1), if such person has the power to revoke the authority at any time.

A new provision, Rule 13d-1(b)(2), has been added to specify further reporting obligations applicable to persons otherwise eligible to use Schedule 13G, but who beneficially own more than 10 percent of the specified class of securities as of the last day of a month. This provision, which is adopted in lieu of a similar proposal contained in Release No. 34-13292 (42 FR 12355), requires a filing on Schedule 13G within 10 days after the end of the first month in which such person's direct or indirect beneficial ownership exceeds 10 percent of the class, computed as of the last day of the month, and thereafter within 10 days after the end of any month in which such person's beneficial ownership of securities of the class, computed as of the last day of the month, increases or decreases by more than 5 percent. Although the reports imposed by Rule 13d-1(b)(2) are in addition to those otherwise imposed by Rules 13d-1(b) and 13d-2(b), a report filed for the month of December and containing all the required information as of December 31, would satisfy the reporting person's obligation as of such date.

New provisions have also been added to the rules to address the situations in which a person reporting on a Schedule 13G ceases to be eligible to so report, due to the fact that such person concludes that he no longer has acquired or holds the securities in the ordinary course of business or not with the purpose or effect of changing or influencing control, or due to the fact that the owner ceases to be among those listed persons eligible to use the short form. In the first situation, and assuming that the person then is still the beneficial owner of more than 5 percent of the specified class, the reporting person will be required pursuant to Rule 13d-1(b)(3) promptly, but not more than 10 days after his change of intent, to file a report on Schedule 13D. Moreover, a provision is adopted stating that for the 10 day period immediately following the date of filing of a Schedule 13D pursuant to this provision, the beneficial owner shall not vote or direct the voting of the subject securities, nor to acquire an additional beneficial ownership interest in any equity securities of the issuer or of any person controlling such issuer. The Commission has determined that this provision is necessary and appropriate when the beneficial owner of a block of securities disclosed or to be disclosed on the short form determines he no longer has acquired or holds the securities in the ordinary course of business or that he will use such block for control purposes. The obligation to report under this provision would arise, among other situations, when the owner becomes part of a group.

If a person who has reported beneficial ownership on Schedule 13G ceases to be a person listed among those eligible to use the short form, Rule 13d-1(b)(4) states that he shall immediately become subject to those provisions which specify the obligation to file and amend on Schedule 13D, provided the person at that time is the beneficial owner of more than 5 percent of the class of equity securities.

A proposed amendment to old Rule 13d-5(a)(1) would have created a presumption that the acquisition of 10 percent or more of a class of an issuer's equity securities by the reporting person would not be deemed to have been in the ordinary course of business. The presumption would have precluded use of former Form 13D-5 when an acquisition caused the reporting person to exceed the 10 percent amount and would have required the reporting person immediately to file on Schedule 13D, pursuant to old Rule 13d-5(c).

The commentators were critical of this proposal because they believed that it would accomplish nothing but the prevention of the use of the form by many of those who were legitimately entitled thereto. In their view, the condition that the acquisition must be in the ordinary course of business and not with the purpose or with the effect of changing or influencing control should be sufficient to satisfy the objective of the proposal.

While this proposal would undoubtedly assist in the enforcement of section 13(d) violations, the Commission believes the obligation to report on Schedule 13D may be unduly burdensome in these instances. On balance, therefore, the Commission has decided to adopt the provisions of Rule 13d-1(b)(3) described above, and to accelerate the time of filing a short form report, rather than require a report on the long form. This provision, as well as the entire short form reporting scheme, will, however, be closely monitored by the Commission to determine whether they carry out the legislative purpose of section 13(d). Should it subsequently become apparent that there is a pattern of acquisitions in amounts slightly less than the ten percent ceiling to evade the reporting provisions, the Commission will reconsider the rule.

(c) *Rule 13d-1(c): Definition of "equity security".* A provision has been added to the definition of the term "equity security" used in Regulation 13D to narrow the scope of that term. Under the amended definition, certain securities which do not have voting rights have been excluded; these include non-voting options, warrants, rights convertible debt or convertible preferred securities. As a result, beneficial ownership of securities of such classes would not, in and of itself, generate an obligation to file reports under sections 13(d) or 13(g). However, securities which might be acquired upon the exercise or conversion of such securities are not removed from the definition of the term "equity security" and would be includable in the calculation of the 5 percent threshold.

(d) *Rule 13d-1: Determination of amount of outstanding securities.* This provision in substance is unchanged from that adopted in Release No. 34-13291.

(e) *Rule 13d-1(e): Joint filings.* Old Rule 13d-1(b), the predecessor to new Rule 13d-1(e), permitted one acquisition statement to be filed when there is more than one beneficial owner of the same securities only if the statement were being filed on Schedule 13D. The commentators argued that former Form 13D-5 should also be made available for joint filings. They were of the view that this would avoid unnecessary duplicative reporting, minimize the compliance burden, reduce costs, and present information in a format which would be more useful for both the filing parties and for the reader. For these reasons, the Commission has determined to permit joint filings on both Schedule 13D and Schedule 13G. Because Schedule 13G

is available only to specified classes of persons, another condition to the joint use of the Schedule has been added in order to maintain the integrity of that limitation. Persons seeking to jointly file a Schedule 13G must therefore be individually eligible to use Schedule 13G if they were filing separately. Thus, if an institutional investor who meets the standards of Rule 13d-1(b) and an individual investor who does not are beneficial owners of the same securities and are required to file under section 13(d) they may not both utilize Schedule 13G since the individual does not meet the requirements for the use of that Schedule. They may file a joint Schedule 13D or the individual may file Schedule 13D and the institutional investor Schedule 13G.

As with former Rule 13d-1(b), new Rule 13d-1(e) is permissive so that each beneficial owner of the same securities may file a separate acquisition statement. This is important because each beneficial owner in a multiple beneficial ownership situation must comply with all of the rules set forth herein and the provisions of new Rule 13d-1(e) do not relieve such person from this responsibility. When two or more persons do not report jointly pursuant to Rule 13d-1(b), each such person is responsible for the timely filing of the statement and any admendments thereto, and for the completeness and accuracy of the information concerning such person contained therein. The person is not responsible for the completeness or accuracy of the information concerning the other persons making the filing, unless such person knows or has reason to believe that such information is inaccurate. The joint statement must contain all requisite information about each person and should include as an exhibit their agreement in writing that the statement is filed on behalf of each.

(2) *Rule 13d-2: Filing of Amendments to Schedules 13D or 13G.*—(a) *Rule 13d-2(a): Filing of Amendments to Schedule 13D.* New Rule 13d-2(a) requires the filing of an amendment to Schedule 13D upon the occurrence of a material change in the facts set forth in the Schedule 13D. The rule is the same as old Rule 13d-2 except for two revisions. The rule now specifies that a decrease in beneficial ownership to less than 5 percent of the class is per se material and must be disclosed by amendment. In addition, the rule indicates for the first time that material increases or decreases in the percentage of the class beneficially owned are to be reported by amendment. While an increase or decrease in the percentage of the class owned by 1 percent or more is deemed to be material, the rule states acquisitions or dispositions of less than that amount may also be material depending upon the facts and circumstances of a particular case. The rule also contains a provision to make clear that an acquisition which is exempt from section 13(d) pursuant to the 2-percent exemption of section 13(d)(6)(B) need not be reported in an amendment.

Requiring the filing of an amendment upon a material increase or decrease in the percentage of the class owned represents a reversal of the prior position taken by the Commission in that previously each acquisition made after the 5-percent threshold was exceeded, no matter how small, was viewed as triggering a new filing requirement under section 13(d)(1) to be satisfied by the filing of an original Schedule 13D. While the prior interpretation can be supported by the literal language of section 13(d)(1), the Commission believes that the burden of filing a Schedule 13D is not justified with respect to the acquisition or disposition of an immaterial amount of stock.

Of course, material changes other than changes in the amount of securities beneficially owned may also occur and would be required to be disclosed in amendments.

(b) *Rule 13d-2(b): Filing of Amendments to Schedule 13G.* New Rule 13d-2(b) requires the annual filing of amendments to Schedule 13G to reflect all changes in the information previously reported on that schedule. Since the information required by Schedule 13G has been reduced to the minimum necessary to satisfy the statutory purpose, the Commission believes that except for the provisions set forth in Rule 13d-1(b) (2), (3), and (4), a materiality standard is inherent in those requirements. Moreover, the Commission believes that the compliance burden under Schedule 13G is sufficiently small that it is unnecessary to further minimize it by the insertion of an express materiality standard.

If no changes have occurred in the information contained in the previous Schedule 13G a signed statement reporting that fact must be filed with the Commission and sent to the issuer and the principal national securities exchange where the security is traded. This will permit interested persons to examine the institutional acquisition statements on Schedule 13G for the previous year for the purpose of determining their ownership.

(3) *Rule 13d-3: Determination of Beneficial Owner.*—(a) *Rule 13d-3(a): Definitions of Beneficial Ownership.* Rule 13d-3(a) is unchanged from that adopted in Release No. 34-13291 (42 FR 12342). It provides that a beneficial owner of a security includes any person who directly or indirectly has or shares voting power and/or investment power with respect to such security. Voting power includes "the power to vote, or to direct the voting of such security" and investment power includes "the power to dispose, or to direct the disposition of such security."

The Commission is of the view that this broad definition must be retained in order to obtain disclosure from all those persons who have the ability to change or influence control. However, the few commentators who addressed the problems encountered by institutions as a result of the definition were critical of including the power to dispose as an independent test of beneficial ownership. The Commission nevertheless continues to believe that the power to dispose, without more, gives its holder the ability to change or influence control and is therefore essential to eliciting the type of information within the purview of section 13(d). This is attributable to the fact that the power to vote inheres in the security and may be relocated in the hands of any person to whom the holder of the power to dispose wishes to sell. Thus, the holder of the power to dispose potentially has the ability to bring about the rapid shift in control at which section 13(d) is aimed even though he does not have the power to vote or to direct the voting of the security.

The other problems raised by institutions with respect to the definition appear largely to be alleviated by the simplification of the reporting and disclosure requirements to which they now would be subject. Nonetheless, some institutional investor concerns regarding the definition cannot be remedied because to do so would undermine realization of the purposes of section 13(d).

(b) *Rule 13d-3(b): Evasion of Definition of Beneficial Owner.* Rule 13d-3(b) is unchanged from that adopted in Exchange Act Release No. 34-13291 (42 FR 12342). The purpose of the rule is to ensure that Rule 13d-3(a) is not circumvented by an arrangement to divest a person of beneficial ownership or to prevent the vesting of beneficial ownership as part of a plan or scheme to evade the reporting requirements of section 13(d).

(c) *Rule 13d-3(c): Aggregation of Securities Beneficially Owned.* Rule 13d-3(c) is also unchanged from that adopted in Exchange Act Release No. 34-13291 (42 FR 12342). It provides that all securities beneficially owned by a person are to be aggregated in determining how many securities such person owns, regardless of the nature of the beneficial ownership.

The commentators recommended that an exemption be created for persons qualified to file former Form 13D-5 from the requirements to aggregate securities held by foreign branches and subsidiaries. They argued that the number of securities

held in foreign branches and subsidiaries is so small relative to the total holdings of most institutions that the reportedly significant additional cost of establishing and operating a system to track those securities would not be justified. Such a reduction in the reporting burden on institutions eligible to file Form 13D-5 was thought to be consistent with the purposes of section 13(d) because they cannot, by definition, be exercising control. The commentators also maintained that the applicability of various laws of host countries respecting the confidentiality of bank and investment account records presents a serious risk of liability to reporting institutions if they make the disclosures contemplated by the rules.

The Commission continues to believe that complete aggregation is essential to the determination of the potential to affect control with which any given individual is vested. The presentation of ownership information which has been developed without complete aggregation would not truly reflect that potential. The Commission is mindful of the burden imposed on institutional investors as a result of this requirement, however, the 1-percent provision adopted in Rule 13d-1(b)(ii)(G) should afford a measure of relief from many of the objections. Rather than distort the information which is obtained, the Commission has chosen to reduce the overall burden of reporting in order to more appropriately balance the costs and benefits attendant to reporting under the rules.

The recent amendments to section 13(d)(1) to require disclosure of the citizenship of the beneficial owner of securities and his associates evince a Congressional intent to obtain information about foreign ownership of U.S. corporations. It would be inconsistent with these amendments for the Commission to create an exemption from the aggregation requirements for securities beneficially owned by foreign branches and subsidiaries because of concern over the application of foreign secrecy laws.

(d) *Rule 13d-3(d): Persons Who Are Deemed Beneficial Owners.* New Rule 13d-3(d)(1)(i) deems a person to be the beneficial owner of a security if he has the right to acquire beneficial ownership of such security, at any time within 60 days, through: (a) The exercise of an option, warrant, or right, (b) the conversion of a convertible security, (c) the power to revoke a trust, discretionary account, or similar arrangement, or (d) the automatic termination of a trust, discretionary account or similar arrangement; provided, however, that if the acquisition of a security or power described in (a), (b), or (c) is for control purposes, the holder of the security or power immediately upon such acquisition shall be deemed the beneficial owner of the underlying securities. The Rule is the same as old Rule 13d-3(d)(1) except that the proviso has been added to (a), (b), and (c), and the provision of (d) concerning automatic termination has been added. The latter action reflects the proposed amendment to old Rule 13d-3(d)(1) but utilizes the same sixty day time period applicable to the other instruments giving one the right to acquire securities. The proposal would have reached automatic terminations of trusts, discretionary accounts, or similar arrangements within a specified period of time from 1 to 5 years.

The same reasons which influenced the Commission in deciding to utilize a 60-day time period for the automatic termination provision were also decisive in its determination not to adopt the proposed amendment which would have deleted the 60-day time period from the predecessor of Rule 13d-3(d)(1)(i). Under that proposal a person would be deemed a beneficial owner of securities with respect to which he has the right to acquire at any time. The commentators criticized this proposal on the ground that it would escalate substantially the cost of compliance and the possiblity of inadvertent noncompliance. The Commission is also mindful that as the point in time in which the right to acquire may come to fruition is extended into the future the relation of the right's ability to influence control is correspondingly attentuated. When 60 days or less are left until the right to acquire may be exercised, the Commission believes that the ability of the holder of such right to effect control is sufficient to warrant the imposition of an obligation to file under Rule 13d-1. Nonetheless, it is recognized that the acquisition of options or convertible securities, or the acquisition of a power to revoke a trust or similar arrangement offers a distinct possibility for actions which are for the purpose or with the effect of changing or influencing control as, for example, in obtaining an interest in a block of securities large enough to influence control, or in coupling an option with an agreement concerning the composition of the board of directors. In such instances, the rule as adopted does not afford the holder the benefit of the 60-day provision.

The Commission had determined not to adopt the suggestion made by certain commentators that persons qualified to file former Form 13D-5 be exempted from what is now Rule 13d-3(d)(1)(i). The commentators favored such an exemption primarily because of the substantial costs which they estimate would be incurred in designing and operating a system to monitor the various investment vehicles which represent the right to acquire an equity security. In their view, the burdens associated with disclosure of these contingent interests, in the context of acquisitions which are not made with the purpose or with the effect of changing or influencing control, outweigh attendant benefits to the public from such disclosure. As explained above in connection with the recommendation for an exemption from the aggregation requirement for securities held by foreign branches and subsidiaries of institutions eligible to use old Form 13D-5, the Commission has chosen to reduce the overall reporting burden imposed on qualifying institutions rather than to sacrifice the accuracy and completness of the information which is obtained.

New Rule 13d-3(d)(1)(ii) has been added in response to an interpretative question which has arisen under the old rules with respect to the obligation to report separately for options, warrants, rights, or convertible securities and the underlying securities. For example, inquiries have been received as to whether the obligation to file pursuant to section 13(d) with convertible securities which are registered under section 12 of the Exchange Act is to be determined based on the percentage of the class of convertible securities beneficially owned or the beneficial ownership of the securities into which they may be converted. This may be important because the amount of convertible securities outstanding may be much smaller than the securities into which they may be converted and therefore increase the likelihood that the percentage of a class beneficially owned will exceed the 5-percent threshold. Rule 13d-3(d)(1)(ii) indicates that in such a situation a reporting obligation may exist simultaneously with respect to both the convertible security and, by virtue of Rule 13d-3(d)(1)(i), the security into which it may be converted. Thus, if a person beneficially owns more than 5 percent of a class of convertible preferred stock upon conversion of which he would also became the beneficial owner of more that 5 percent of a class of common stock, and both classes are registered under section 12 of the Exchange Act, he would have the obligation to file a Schedule 13D or Schedule 13G for the preferred stock and for the common stock. It should be noted, however, that an amendment to Rule 13d-1(c), discussed earlier, deletes certain nonvoting securities from the definition of "equity security" and consequently should reduce the incidence to these types of questions.

Rule 13d-3(d)(2) is unchanged from that adopted in Exchange Act Release No. 13292. It excludes from the definition of beneficial owner any person whose only interest in the securities is record ownership and membership on a national securities exhange that has rules which permit a member to vote

such securities without instruction on certain routine matters.[14]

Old Rule 13d-3(d)(3) excluded from the definition of beneficial owner any person whose only interest in the securities is that of a pledgee in the ordinary course of his business pursuant to a bona fide pledgee agreement. However, in the event of a default under such an agreement, the Rule provided that the pledgee would be deemed the beneficial owner if the event of default remained uncured for more than 30 days, or at any time before the default was cured, if the power acquired by the pledgee because of the default enabled him to change or influence issuer control.

The commentators stated that they do not have computer systems capable of providing the information that would have been required under the Rule. Start-up costs to create such a system and the annual operating expense were reported to be substantial. The commentators also argued that the Rule did not comport with the commercial realties of bank pledge situations in that they do not take pledged securities for the purpose of exercising investment or voting rights with respect to such securities. Moreover, they indicated that in the event of default the banks will most often attempt to work out the problem with the borrower without taking any action on the pledged securities. Further, they stated that it is extremely rare that a bank will vote pledged securities.

The most common recommendation for the revision of the Rule was that institutions which qualify for the use of Form 13D-5 should not be required to classify pledged securities as "beneficially owned" until such time as they exercise the right to vote the pledged securities. The Commission believes that this would be a somewhat unsatisfactory basis upon which to impose a reporting requirement for at that point the change of or influence upon control will have already occurred. In addition, limiting the requirement to the power to vote ignores the ability to affect control inherent in the power to dispose of securities. Nevertheless, the Commission is of the view that if institutions which are eligible to file Schedule 13G and which meet certain other conditions are not deemed to be the beneficial owners until such time as they formally declare a default and decide that the power to vote or dispose will be exercised, disclosure will in most instances be elicited at a point sufficiently far in advance of those acts to be of value to investors. Thus, new Rule 13d-3(d)(3) provides that persons qualified to file Schedule 13G who become pledgees of securities in the ordinary course of their business pursuant to certain bona fide pledge agreements, which have not been entered into with the purpose or with the effect of changing or influencing issuer control, will be deemed not to have acquired beneficial ownership of such securities upon a default until such time as the pledgee determines that the power to vote or dispose of the pledged securities will be exercised. However, the Rule conditions its availability on the absence of a provision in the pledge agreements that gives the pledgee the power to vote or to dispose of the pledged securities prior to default. In that situation, the definition of beneficial owner in Rule 13d-3(a) would determine when the pledgee became a beneficial owner.

The Rule no longer specifically excludes from the definition of beneficial owner any person whose only interest in the securities is that of a pledgee in the ordinary course of his business. The Commission believes such a provision to be superfluous since under the definition of beneficial owner in Rule 13d-3(a) a pledgee of securities who prior to default has neither the power to vote or dispose would not be considered the beneficial owner of the securities.

Under new Rule 13d-3(d)(4) an underwriter is deemed not to be the beneficial owner of securities which he acquires as part of a good faith firm commitment underwriting where it is anticipated that he will, as part of a distribution registered under the Securities Act, be immediately reselling such securities. By analogy to the 40-day period specified in section 4(3) of the Securities Act, the Rule subjects such underwriter to section 13(d)(1) if beneficial ownership of the securities is retained for more than 40-days.

Rule 13d-3(d)(4) produces the same effect as former Rule 13d-7(a) which deemed there to be no "acquisition" in such circumstances during the first forty days the underwriter beneficially owned the security. The approach of deeming such underwriters not to be "beneficial owners" until the lapse of the 40-day period was utilized in lieu of deeming there to be no "acquisition" in anticipation of the adoption of rules implementing section 13(g). This is necessary because reporting under section 13(g) is required by a "beneficial owner" of more than 5 percent of a class of equity security whereas under section 3(d) reporting is required by a person "acquiring" beneficial ownership of securities exceeding that amount. Thus, if the exemptive approach taken in Rule 13d-7(a) had been retained, underwriters would have to report under section 13(g) upon its implementation, even if they are within the 40-day provision.

(4) *Rule 13d-4: Disclosure of Beneficial Ownership.* Rule 13d-4 is unchanged from that adopted in Exchange Act Release No. 34-13291 (42 FR 12342). It permits any person to expressly declare in such person's Schedule 13D or Schedule 13G that the filing of such a statement shall not be construed as an admission that the person is the beneficial owner of the securities covered by such statement.

(5) *Rule 13d-5: Acquisition of Securities.* New Rule 13d-5(a) is the same as old Rule 13d-6(a) except that the note thereto has been included as a substantive provision of the rule. The rule deems certain persons who become beneficial owners of securities to have "acquired" them for the purposes of section 13(d)(1) of the Exchange Act. Donees, executors, trustees and legatees who become beneficial owners of securities will be deemed to have "acquired" such securities, even though such persons had not so intended and had taken no action to become beneficial owners. However, executors and administrators of the estate of a decedent will be presumed not to have acquired beneficial ownership until they are qualified under local law to perform their duties.

New Rule 13d-5(b) corresponds to former Rule 13d-6(b). It deems the group formed by two or more persons who agree to act together for the purpose of acquiring, holding, voting or disposing of equity securities of an issuer to have acquired, for the purpose of sections 13(d) and 13(g), beneficial ownership, as of the date of their agreement, of all securities beneficially owned by any member of such group.[15]

Rule 13d-5(b) applies only to agreements relating to equity securities whereas former Rule 13d-6(b) applied to all securities. The commentators criticized the application of former Rule 13d-6(b) to nonequity securities because it created filing obligations in situations which they believed to be beyond the purpose of section 13(d). Leaving Rule 13d-6(b) as it stood in this respect would have resulted in the application of section 13(d)(1) to private placements of straight debt securities with institutional investors and to certain loan workouts involving the cooperation of more than one lender. The Commission is also mindful that while section 13(d)(3) is not specifically limited to equity securities, section 13(d) as a whole relates only to the acquisition of equity securities. Moreover, the Commission believes that limiting Rule 13d-5(b) to equity securities does not frustrate the Congressional purpose underlying section 13(d) since any intention on the part of purchasers of a debt security to

[14]See, e.g., Rule 451, Rules of the New York Stock Exchange and Rule 577, Rules of the American Stock Exchange.

[15]See *GAF Corp.* v. *Millstein*, 453 F. 2d 709 (2nd Cir. 1971), cert. denied 406 U.S. 910 (1972).

pool their equity securities would trigger a group filing.

Minor word changes have also been made from the predecessor of Rule 13d-5(b). The most significant of these is the addition of the word "voting" to the list of actions to which an agreement must relate in order for the rule to apply. The Commission considered "voting" to be subsumed within the term "holding" but has decided to make this express to avoid any misunderstanding.

New Rule 13d-5(b)(2) deems there to be no "group" within the meaning of section 13(d)(3), when securities are privately placed by the issuer with persons who are eligible to file Schedule 13G and there is no agreement among members of the group to act together except for the purpose of facilitating the particular transaction. However, if the purchase is not in the ordinary course of each member's business, or is with the purpose or the effect of changing or influencing issuer control, or if there is cooperative activity of a nonministerial nature among group members subsequent to the closing date, a group filing obligation would arise.

New Rule 13d-5(b)(2) reflects a suggestion by commentators that an exemption from the predecessor of the Rule 13d-5(b) be provided for institutional private placements directly from the issuer. The Commission agrees with the commentators that such transactions are not within the primary scope of section 13(d)(3). The legislative history of that section reveals that it was intended primarily to prevent a group of persons seeking to change or influence issuer control from evading the provisions of section 13(d) because no one individual owned more than 5 percent of a class of securities.[16] The cooperative activity characteristic of an institutional private placement directly from the issuer generally results from sound business considerations such as cost savings resulting from the use of common counsel and forms, rather than from a desire to affect control of the issuer. Moreover, since the cooperative activity generally ends when the transaction is completed, the information obtained in such a group filing is of little interest to investors and is available to the issuer.

(6) *Rule 13d-6: Exemption of Certain Acquisitions.* New Rule 13d-6 is substantially the same as old Rule 13d-7(b). However, paragraph (b) of the rule has been revised to address the situation where an issuer is the sole distributor of the rights, and during the rights offering period, purchases rights from the security holders to whom such rights were originally issued, and does not subsequently sell the securities underlying the rights purchased. Under these circumstances, a person who owned beneficially, prior to the rights offering, in excess of 5 percent of the underlying security and who exercised his pro rata portion of the rights offered would inadvertently have acquired more than his pro rata share of the securities actually sold and, accordingly, would not have been eligible to use the exemption as previously stated.

(7) *Rule 13d-7: Fees for Filing Schedules 13D or 13G.* New Rule 13d-7 establishes a uniform fee schedule for acquisition statements filed on Schedule 13D and 13G. It provides that the first schedule which is filed must be accompanied by a filing fee of $100. All amendments to that schedule reflecting an increase in ownership above 5 percent do not require an additional fee. However, after an amendment to the schedule reporting beneficial ownership of less than 5 percent has been filed, the first schedule filed thereafter is treated as a new filing for fee purposes and must be accompanied by a filing fee of $100.

(8) *Schedule 13D: Acquisition Statement Filed Pursuant to Rule 13d-1(a).*—(a) *Cover Sheet.* An instruction has been added to the Cover Sheet of new Schedule 13D to notify interested persons that the schedule relates to an acquisition which has been previously reported on Schedule 13G and that it is now being reported on Schedule 13D, as required by Rule 13d-1(b) (3) or (4), because the beneficial owner is no longer eligible to file Schedule 13G. The purpose of the instruction is to avoid confusion which might otherwise arise because of double counting of the same ownership. Another instruction is added concerning the filing fee.

The note concerning the number of copies to be filed has been revised to require six copies in order to conform it to new Rule 13d-1(a).

(b) *Instructions.* Instructions A and B are unchanged from those adopted in Exchange Act Release No. 34-13291 (42 FR 12342). Although new Instruction C is substantively the same, it has been revised to conform more closely to Instruction C of Schedule 14D-1 because the commentators believe that it is easier to understand in that format.

(c) *Item 1: Security and Issuer.* The only change in new Item 1 is that the address of the issuer to be furnished has been clarified to be that of their principal executive offices. This is in conformity with the disclosure required in other Commission filings.

(d) *Item 2: Identity and Background.* New Item 2 has essentially been conformed to Item 2 of Schedule 14D-1. The introductory paragraph of Item 2 has been modified to clarify the disclosure required by Item 2 for natural persons as compared with other entities. If the person filing the statement or any other person enumerated in Instruction C of the Schedule is a corporation, partnership, limited partnership, syndicate, or other group of persons, certain information is required. This includes: The name, the State or other place of organization, the principal business the address of the principal office, and the information regarding criminal proceedings and civil actions required by Items 2 (d) and (e), respectively. If one or more of these is inapplicable or if the answer is in the negative, a statement should be made to that effect pursuant to Instruction A of the Schedule.

Information concerning material occupations and employments during the preceding 5 years, formerly required by Item 2(d) of old Schedule 13D, has been deleted in an effort to reduce the compliance burden. The Commission believes that in the context of an acquisition covered by the schedule a statement of the present principal occupation or employment ordinarily provides adequate disclosure as to the competence of the persons required to give such information.

New Item 2(e) requires disclosure about civil proceedings involving securities laws violations at either the Federal or State level during the preceding 5-year period. The proposed amendment to Item 2 has been followed except that the proposal has been conformed to Item 2(f) of Schedule 14D-1 by requiring disclosure of judicial or administrative findings of violations of law rather than of liability. This was done to provide disclosure of cases in which a violation has been found by the court or admitted to by the party.

(e) *Item 3: Source and Amount of Funds or Other Consideration.* New Item 3, concerning disclosure of the source of the funds used or to be used in making the acquisitions, is similar to old Item 3. The reference of consideration used or "to be used" is added to assure that financing arrangements are disclosed. Also with respect to the source of funds, a sentence is added stating that where material, similar source of funds information should be given with respect to prior acquisitions not previously reported pursuant to the regulation. This provision will help assure that filing persons disclose appropriate information when they have engaged in a series of acquisitions.

"Voting" has been added to the list of purposes for which the securities have been purchased in order to make it express what the Commission believed to be implicit in the term "holding." A sentence has also been added to provide the option of preserving the

[16] S. Rep. No. 550, 90th Cong., 1st Sess. 8 (1967); H.R. Rep. No. 1711, 90th Cong., 2nd Sess. 8-9 (1968).

confidentiality of the identity of a bank that has made a loan which is a source of funds under the item. The provision was added because many persons were not aware that under section 13(d)(1)(B) of the Exchange Act they did not have to disclose the name of the bank publicly in such circumstances.

(f) *Item 4: Purpose of Transaction.* Unlike old Item 4, new Item 4 requires disclosure of plans in the nature of those described in the item regardless of whether one of the purposes of the purchase is to acquire control of the issuer. New Item 4 effectuates the proposed amendments to old Item 4 but has been conformed more closely to Item 5 of Schedule 14D-1. In this regard, plans or proposals which result in or relate to extraordinary corporate transactions have been made a separate item of disclosure, as in Schedule 14D-1. This is to obviate the possible limitation on disclosure under the item to only extraordinary corporate transactions as a result of the placement in the proposal of the term "extraordinary corporate transactions" prior to the list of enumerated disclosures. The item has also been expanded to require disclosure about types of plans of the purchaser not specifically required by old Item 4 or Item 5 of Schedule 14d-1, including plans relating to: The acquisition of additional securities or the disposition of securities; and changes in the governing corporate documents which might be used to deter unfriendly takeovers. In addition, an item has been added to make express what has been implicit all along—that disclosure of plans relating to actions similar to those specifically prescribed must also be made.

(g) *Item 5: Interest in Securities of the Issuer.* Disclosure of the shares beneficially owned has been limited in new Item 5(a) to the persons named in Item 2 and persons who together with such persons comprise a group. This action has been taken in response to the difficulties raised by the commentators with respect to the disclosure of the ownership of associates of the persons specified in Item 5. For instance, if an outside director happened to be an officer of a bank, the use of the term "associate" in old Item 5(a) would have required disclosure of all shares of the class being reported on as to which the bank and its subsidiaries were beneficial owners, even though the bank was not a member of a group. The Commission believes that, in light of the breadth of the definition of beneficial ownership and Instruction C to the Schedule, the burden of obtaining disclosure of the securities owned by associates is not warranted by the purpose of section 13(d). It also appears that specifically requiring disclosure of the ownership of majority owned subsidiaries is unnecessary since the definition of beneficial ownership automatically attributes such ownership to a parent who is among those specified in new Item 5(a). By requiring persons who are members of a group with the persons named in Item 2 to also disclose the amount of shares which they beneficially own, new Item 5(a) has the flexibility to elicit ownership information from persons outside the normal chain of persons specified in Item 2 only where it is necessary to satisfy the purpose of section 13(d).

A parenthetical clause has been added to 5(a) permitting reliance on the most recently available filing with the Commission by the issuer in making the determination of the percentage of the class beneficially owned, unless the filing person has reason to believe the information in such filing is not current. This tracks an identical provision in Item 6(a) of Schedule 14D-1.

Item 5(b) has been amended to call for a further breakdown of the shares as to which a beneficial owner has the power to vote or dispose, by requiring the owner to indicate whether the powers are sole or shared. The Commission believes that this will improve disclosure of a person's ability to affect control since the scope of the ability to direct the voting or disposition of securities is typically more limited when those powers are shared. The Item also calls for disclosure of the information required by Item 2 with respect to each person with whom the power to vote or dispose is shared.

Consistently with the amendments to Item 5(a), new Item 5(c) has been limited to requiring a description of recent transactions in the securities by the persons named in Item 5(a). Old Item 5(c) would have also required disclosure of recent transactions by executive officers, directors or affiliates of any subsidiary of the persons named in old Item 5(a). Returning to the previous example of the executive officer of a bank who is an outside director of a company named in Item 5(a), the application of old Item 5(c) would have resulted in the disclosure of recent transactions in the securities by the bank, as an associate of the director, and by all the executive officers, directors and affiliates of the bank's subsidiaries. In retrospect, the Commission believes that disclosure should not be required of such persons in all instances. If the benefits of disclosures are to outweigh the burdens of compliance, persons who are remotely related to the triggering acquisition should only have to disclose the prescribed information when they have agreed to act with the more central figures to acquire, hold, vote or dispose of the subject securities. This has been achieved by combining the utilization of the group concept in Item 5(a) with a reference to the persons named in that Item in Item 5(c).

New Item 5(d) is limited to the receipt of dividends or the proceeds upon sale whereas old Item 5(d) applied to all economic interests in the securities. The Commission has limited the Item to the traditional economic interests in a security in order to facilitate compliance with the Item. Prior to the amendment considerable uncertainty had been expressed with respect to the scope of the interests contemplated by the Item.

New Item 5(e) has been added in response to a recommendation by the commentators for a provision which would permit them to report that their beneficial ownership had decreased to less than five percent of a class. This was also necessary because Rule 13d-2(a) now requires the filing of an amendment in that situation.

(h) *Item 6: Contracts, Arrangements, Understandings or Relationships With Respect to Securities of the Issuer.* New Item 6 is essentially unchanged from old Item 6, except that the obligation to disclose contracts, arrangements, understandings or relationships with respect to securities of the issuer is clarified to include such agreements among the persons named in Item 2, and between those persons and any other person.

(i) *Item 7: Material to be Filed as Exhibits.* New Item 7 has been adopted as proposed for comment. The Item requires the filing as exhibits of any supporting documentation for responses to Items 3, 4, and 6 of the Schedule. The Item also provides for filing as an exhibit, as required by Rule 13d-1(e), the written agreement of two or more persons required to file an acquisition statement covering the same securities pursuant to which they agree to file only one statement.

(9) *Schedule 13G: Acquisition Statement Filed Pursuant to Rule 13d-1(b)—(a) Instructions.* Instruction A has been added to remind filing persons that Rule 13d-1(b) requires that Schedule 13G must be filed within 45 days after the end of the calendar year to which the statement relates, or within the time specified in Rule 13d-1(b)(2), if applicable. In order to ease the compliance burden Instruction B provides that when a form is adopted under section 13(f) information contained therein may be incorporated by reference in response to any item of Schedule 13G so long as copies of the relevant pages are filed as exhibits.

(b) *Items 1 and 2.* Although the subitems in Items 1 and 2 have been rearranged, the only substantive changes are the addition of a new Items 1(b) and 2(c). Item 1(b) requires disclosure of the address of the issuer's principal executive offices. Item 2(c) requires the filing person to state his citizen-

ship. This effectuates the Congressional directive in the recent amendments to section 13(d)(1) to obtain citizenship disclosure.

(c) *Item 3.* Item 3 has been expanded to conform to the revised list of persons eligible to file Schedule 13G, as set forth in Rule 13d-1(b)(1)(ii).

(d) *Item 4: Ownership.* Old Item 4(a), which required a statement of all increases and decreases in ownership during the reporting period, has been deleted from Schedule 13G as a result of the data submitted by the commentators with respect to the cost of furnishing that information. The Commission believes that the benefits of such disclosure do not warrant expenditures of the magnitude said to be necessary to obtain it.

New item 4(a) requires the amount beneficially owned to be stated as of December 31 of the year to which the statement relates or as of the last day of any month described in Rule 13d-1(b)(2), if applicable. This is consistent with new Rule 13d-1(b) and is intended to avoid the necessity of having to create a system to track ownership between the end of the year and the time the statement may be filed.

New Item 4(c) requires a breakdown of the amount of securities beneficially owned into the shares as to which there is sole power to vote, shared power to vote, sole power to dispose and shared power to dispose. This is consistent with new Item 5(b) of Schedule 13D. It also gives effect to the recent amendments to section 13(d)(1)(A) specifically authorizing the Commission to require disclosure of the nature of the beneficial ownership.

(e) *Item 5: Ownership of Five Percent or Less of a Class.* Old Item 5 required the filing person to state the date or dates upon which he commenced and/or ceased to be the beneficial owner of more than five percent of the class of securities. This requirement was criticized by the commentators because it also required the implementation of an expensive tracking system to determine a precise date. New Item 5(c) will not require such a system since it merely requires the filing person to indicate whether the Schedule is being filed for the purpose of reporting that he is no longer the owner of more than five percent of a class of securities.

(f) *Item 6: Ownership of More Than Five Percent on Behalf of Another Person.* New Item 6 is substantially the same as old Item 6 except that the only economic interests in securities to which it is now applicable are the receipt of dividends or the proceeds upon sale. The Commission determined to limit the Item for the reasons discussed in connection with the same amendment of Item 5(d) of Schedule 13D.

(g) *Item 7: Identification and Classification of the Subsidiary Which Required the Security Being Reported on By the Parent Holding Company.* A provision has been added for filing an exhibit pursuant to Rule 13d-1(b)(1)(ii)(G) which includes Schedule 13D information for a subsidiary who is not qualified to file the Schedule and who owns not more than one percent of the subject security.

(h) *Items 8 and 9.* Items 8 and 9 are unchanged.

(i) *Item 10: Certification.* The Certification has been made a separate item in anticipation of the filing of Schedule 13G by persons under rules implementing section 13(g) since only persons filing pursuant to Rule 13d-1(b) would be required to include it.

B. PROVISIONS RELATING TO REPORTING OBLIGATIONS OF REGISTRANTS

Item 19 of Form S-1, Item 18 of Form S-11, Item 5 of Form 10, Item 14 of Form 10-K and Item 5(g) of Schedule 14A require, upon the effective date of the amendments contained in this release, a table setting forth, among other things, the total number of shares beneficially owned and the percent of the class so owned for each person who is known by the registrant to be the beneficial owner of more than five percent of any class of the registrant's voting securities. The registrant is also required to identify, to the extent known, the shares listed in the table as to which the beneficial owner has the right to acquire beneficial ownership.

New Instruction 1 to these items requires securities deemed outstanding under new Rule 13d-3(d)(1) to be added to the number of shares actually outstanding for the purpose of calculating the percentage of the class owned by a person who is deemed to own securities under that rule. The previous instruction gave the registrant the option of including securities deemed outstanding in such circumstances so long as it made appropriate disclosure that it was doing so.

Upon reconsideration, the Commission believes it is inconsistent with the definition of beneficial ownership, in general, and Rule 13d-3(d)(1), in particular, to permit the registrant to elect the method of disclosing percentage ownership. In order to accurately reflect, in percentage terms, the potential which a given individual has to change or influence issuer control, the shares deemed outstanding must be increased to the same extent as the shares deemed to be beneficially owned. If the shares deemed to be beneficially owned under Rule 13d-3(d)(1) are added only to the numerator, the percentage figure obtained thereby over- represents the ability to affect control. If the shares deemed outstanding under Rule 13d-3(d)(1) are included neither in the numerator nor in the denominator, effect is not given to the determination reflected in the Rule that the right to acquire a security within sixty days or under other specified conditions makes a person the beneficial owner of the security subject to the right. Moreover, the old instruction would give rise to the anomalous result whereby a person would possibly be shown in the affected forms and schedules as owning a percentage of the class of securities different from that set forth in the Schedule 13D or Schedule 13G filed by such person. Accordingly, where securities are deemed to be beneficially owned under new Rule 13d-3(d)(1), the instruction now requires that both the numerator and the denominator be adjusted correspondingly. It should be noted, however, that securities are deemed outstanding under new Rule 13d-3(d)(1), and thus under the Instruction, for computing the percentage of the class owned only for the particular individual who is deemed to own securities which he has the right to acquire. This is a familiar provision which follows by analogy the percentage calculation provision in Rule 16a-2 (17 CFR 240.16a-2) under the Exchange Act.

III. CERTAIN FINDINGS

As required by section 23(a)(2) of the Exchange Act, the Commission has specifically considered the impact which the rules and schedules adopted herein would have on competition. The Commission has found that neither the preparation and disclosure of ownership information by beneficial owners pursuant to the Exchange Act nor the preparation and disclosure of ownership information by issuers pursuant to the Securities Act and the Exchange Act will significantly burden competition. In any event, the Commission has determined that any possible resulting competitive burden will be far outweighed by, and is necessary and appropriate to achieve, the benefits of this information to investors.

In Exchange Act Release No. 34-13900 the Commission specifically invited comments as to the cost of compliance with the old rules. As explained in the synopsis of the new rules, a number of revisions have been made to reduce the cost of compliance where it was consistent with the purposes of section 13(d). The Commission finds that the costs of the rules adopted herein are not unreasonable and are far outweighed by the benefits which will accrue to investors.

IV. OPERATION OF RULES ADOPTED, EFFECTIVE DATE

The effective date of the actions announced herein will be May 30, 1978.

The Commission has concluded that the provisions which had been sched-

uled to become effective on April 30, 1978, as specified in Release No. 34-13291 (42 FR 12342) and Release No. 34-13844 (42 FR 41405), will not become effective on such date, and instead will be deferred until the effective date of the actions contained herein; i.e., May 30, 1978.

Certain amendments which will become effective on the same date of the actions contained herein involve amendments to the registration statement forms under the Securities Act, and to registration statement and periodic reporting forms under the Exchange Act, as well as to the proxy rules under the latter act.

The Commission's staff will not require compliance with those new amended disclosure provisions with respect to: (1) Registration statements under the Securities Act filed prior to the effective date of these rules, and pre-effective amendments thereto filed within a reasonable time thereafter (the amended disclosure provisions will apply to registration statements and post-effective amendments filed on or after the effective date); and (2) proxy soliciting material or information statement material, when the preliminary filing of such material was prior to the effective date.

The amendments will apply to periodic reports filed after the effective date.

Any person who so chooses may rely upon the new rules, schedules and amendments immediately. No person is relieved from complying with such person's present statutory obligations under section 13(d) pending the effective date of these rules, schedules and amendments.

V. Authority

The Commission hereby amends Rules 13d-1, 13d-2, 13d-3, 13d-5, 13d-6 and 13d-7 and Schedule 13D and adopts Schedule 13G pursuant to the authority set forth in sections 3(b), 13(d)(1), 13(d)(2), 13(d)(3), 13(d)(5), 13(d)(6), and 23 of the Exchange Act; amends Forms 10 and 10-K and Schedule 14A pursuant to the authority set forth in sections 12, 13, 14, 15(d), and 23 of the Exchange Act; and amends Forms S-1 and S-11 pursuant to the authority set forth in sections 7, 10, and 19(a) of the Securities Act. The Commission finds that any changes in the amended rules and schedule and in the schedule adopted from those published in Exchange Act Release No. 34-13291 (42 FR 12342) have already been generally subject to comment during the Beneficial Ownership Hearings or as a result of the proposals published in Exchange Act Release No. 34-11616 (40 FR 42212), the amendments proposed in Exchange Act Release No. 34-13292 (42 FR 12355), or the issues raised in Exchange Act Release No. 34-13900 (42 FR 44964) and are either technical in nature or are less burdensome than previous requirements, so that further notice and rulemaking procedures pursuant to the Administrative Procedure Act (5 U.S.C. 553) are not necessary.

Text of Adopted and Amended Rules and Schedules

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

§ 240.13d-102 [Rescinded]

I. 17 CFR 240.13d-102 Form 13d-5—Short Form acquisition notice pursuant to § 240.13d-5 under the Securities Exchange Act of 1934 is rescinded.

II. 17 CFR Part 240 is amended by revising § 240.13d-1 to read as follows:

Regulation 13D

§ 240.13d-1 Filing of Schedules 13D and 13G.

(a) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is specified in paragraph (c) of this section, is directly or indirectly the beneficial owner of more than five percent of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, and to each exchange where the security is traded, and file with the Commission, a statement containing the information required by Schedule 13D (§ 240.13d-101). Six copies of the statement, including all exhibits, shall be filed with the Commission.

(b)(1) A person who would otherwise be obligated under paragraph (a) of this section to file a statement on Schedule 13D may, in lieu thereof, file with the Commission, within forty-five days after the end of the calendar year in which such person became so obligated, six copies, including all exhibits, of a short form statement on Schedule 13G and send one copy each of such Schedule to the issuer of the security at its principal executive office, by registered or certified mail, and to the principal national securities exchange where the security is traded: *Provided*, That it shall not be necessary to file a Schedule 13G unless the percentage of the class of equity security specified in paragraph (c) of this section beneficially owned as of the end of the calendar year is more than five percent: *And provided further*, That:

(i) Such person has acquired such securities in the ordinary course of his business and not with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with or as a participant in any transaction having such purpose or effect, including any transaction subject to Rule 13d-3(b) (§ 240.13d-3(b)); and

(ii) Such person is:

(A) A broker or dealer registered under section 15 of the Act;

(B) A bank as defined in section 3(a)(6) of the Act;

(C) An insurance company as defined in section 3(a)(19) of the Act;

(D) An investment company registered under section 8 of the Investment Company Act of 1940;

(E) An investment adviser registered under section 203 of the Investment Advisers Act of 1940;

(F) An employee benefit plan, or pension fund which is subject to the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA") or an endowment fund;

(G) A parent holding company, provided that: (*1*) The Schedule 13G is being used to report the indirect acquisition of the beneficial ownership of securities acquired by a subsidiary; and (*2*) such subsidiary is a person specified in Rule 13d-1(b)(1)(ii) (§ 240.13d-1(b)(1)(ii)) except that the inclusion in the reported holdings of not more than one percent of a class beneficially owned by a subsidiary that is not so specified will not prevent the use of Schedule 13G, so long as the information called for by Schedule 13D is furnished in the parent's Schedule 13G with respect to the securities of such subsidiary;

(H) A group, provided that all the members are persons specified in Rule 13d-1(b)(1)(ii) (A) through (G); and

(iii) Such person has promptly notified any other person (or group within the meaning of section 13(d)(3) of the Act) on whose behalf it holds, on a discretionary basis, securities exceeding five percent of the class, of any acquisition or transaction on behalf of such other person which might be reportable by that person under Section 13(d) of the Act. This paragraph only requires notice to the account owner of information which the filing person reasonably should be expected to know and which would advise the account owner of an obligation he may have to file a statement pursuant to section 13(d) of the Act or an amendment thereto.

(2) Any person relying on Rules 13d-1(b)(1) and 13d-2(b) shall, in addition to filing any statements required thereunder, file a statement on Schedule 13G, within ten days after the end of the first month in which such person's direct or indirect beneficial ownership exceeds ten percent of a class of equity securities specified in Rule 13d-1(c) computed as of the last day of the month, and thereafter within ten days after the end of any month in which such person's beneficial ownership of securities of such class, computed as of the last day of the month, increases or

decreases by more than five percent of such class of equity securities. Six copies of such statement, including all exhibits, shall be filed with the Commission and one each sent, by registered or certified mail, to the issuer of the security at its principal executive office and to the principal national securities exchange where the security is traded. Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings are required by this paragraph (b)(2) of this section unless the person thereafter becames the beneficial owner of more than ten percent of the class and is required to file pursuant to this provision.

(3)(i) Notwithstanding paragraphs (b) (1) and (2) of this section and Rule 13d-2(b) (§ 240.13d-2(b)), a person shall immediately become subject to Rules 13d-1(a) and 13d-2(a) and shall promptly, but not more than 10 days later, file a statement on Schedule 13D if such person:

(A) Has reported that it is the beneficial owner of more than five percent of a class of equity securities in a statement on Schedule 13G pursuant to paragraph (b)(1) or (b)(2) of this section, or is required to report such acquisition but has not yet filed the schedule;

(B) Determines that it no longer has acquired or holds such securities in the ordinary course of business or not with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with or as a participant in any transaction having such purpose or effect, including any transaction subject to Rule 13d-3(b) (§ 240.13d-3(b)); and

(C) Is at that time the beneficial owner of more than five percent of a class of equity securities described in Rule 13d-1(c).

(ii) For the ten day period immediately following the date of the filing of a Schedule 13D pursuant to this paragraph (b)(3), such person shall not: (A) Vote or direct the voting of the securities described in paragraph (b)(3)(i)(A); nor, (B) Acquire an additional beneficial ownership interest in any equity securities of the issuer of such securities, nor of any person controlling such issuer.

(4) Any person who has reported an acquisition of securities in a statement on Schedule 13G pursuant to paragraph (b)(1) or (b)(2) of this section and thereafter ceases to be a person specified in paragraph (b)(1)(ii) of this section shall immediately become subject to Rules 13d-1(a) and 13d-2(a) and shall file, within ten days thereafter, a statement on Schedule 13D, in the event such person is a beneficial owner at that time of more than five percent of the class of equity securities.

(c) For the purpose of this regulation, the term "equity security" means any equity security of a class which is registered pursuant to section 12 of that Act, or any equity security of any insurance company which would have been required to be so registered except for the exemption contained in Section 12(g)(2)(G) of the Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940: *Provided*, Such term shall not include securities of a class of non-voting options warrants, rights, convertible debt or convertible preferred securities.

(d) For the purposes of Sections 13(d) and 13(g), any person, in determining the amount of outstanding securities of a class of equity securities, may rely upon information set forth in the issuer's most recent quarterly or annual report, and any current report subsequent thereto, filed with the Commission pursuant to this Act, unless he knows or has reason to believe that the information contained therein is inaccurate.

(e)(1) Whenever two or more persons are required to file a statement containing the information required by Schedule 13D or Schedule 13G with respect to the same securities, only one statement need be filed: *Provided*, That:

(i) Each person on whose behalf the statement is filed is individually eligible to use the Schedule on which the information is filed;

(ii) Each person on whose behalf the statement is filed is responsible for the timely filing of such statement and any amendments thereto, and for the completeness and accuracy of the information concerning such person contained therein; such person is not responsible for the completeness or accuracy of the information concerning the other persons making the filing, unless such person knows or has reason to believe that such information is inaccurate; and

(iii) Such statement identifies all such persons, contains the required information with regard to each such person, indicates that such statement is filed on behalf of all such persons, and includes, as an exhibit, their agreement in writing that such a statement is filed on behalf of each of them.

(2) A group's filing obligation may be satisfied either by a single joint filing or by each of the group's members making an individual filing. If the group's members elect to make their own filings, each such filing should identify all members of the group but the information provided concerning the other persons making the filing need only reflect information which the filing person knows or has reason to know.

§ 240.13d-2 Filing of amendments to Schedules 13D or 13G.

(a) Schedule 13D—If any material change occurs in the facts set forth in the statement required by Rule 13d-1(a), (§ 240.13d-1(a)) including, but not limited to, any material increase or decrease in the percentage of the class beneficially owned, the person or persons who were required to file such statement shall promptly file or cause to be filed with the Commission and send or cause to be sent to the issuer at its principal executive office, by registered or certified mail, and to each exchange on which the security is traded an amendment disclosing such change. An acquisition or disposition of beneficial ownership of securities in an amount equal to one percent or more of the class of securities shall be deemed "material" for purposes of this rule; acquisitions or dispositions of less than such amounts may be material, depending upon the facts and circumstances. The requirement that an amendment be filed with respect to an acquisition which materially increases the percentage of the class beneficially owned shall not apply if such acquisition is exempted by section 13(d)(6)(B) of the Act. Six copies of each such amendment shall be filed with the Commission.

(b) Schedule 13G—Notwithstanding paragraph (a) of this rule, and provided that the person or persons filing a statement pursuant to Rule 13d-1(b) continue to meet the requirements set forth therein, any person who has filed a short form statement on Schedule 13G shall amend such statement within forty-five days after the end of each calendar year to reflect, as of the end of the calendar year, any changes in the information reported in the previous filing on that Schedule, or if there are no changes from the previous filing a signed statement to that effect under cover of Schedule 13G. Six copies of such amendment, including all exhibits, shall be filed with the Commission and one each sent, by registered or certified mail, to the issuer of the security at its principal executive office and to the principal national securities exchange where the security is traded. Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings are required unless the person thereafter becomes the beneficial owner of more than five percent of the class and is required to file pursuant to Rule 13d-1 (§ 240,13d-1).

NOTE.—For persons filing a short form statement pursuant to Rule 13d-1(b), see also Rule 13d-1(b) (2), (3), and (4).

§ 240.13d-3 Determination of beneficial owner.

(a) For the purposes of sections 13(d) and 13(g) of the Act a beneficial

owner of a security includes any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(1) Voting power which includes the power to vote, or to direct the voting of, such security; and/or,

(2) Investment power which includes the power to dispose, or to direct the disposition of, such security.

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement or any other contract, arrangement, or device with the purpose of effect of divesting such person of beneficial ownership of a security or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of sections 13(d) or 13(g) of the Act shall be deemed for purposes of such sections to be the beneficial owner of such security.

(c) All securities of the same class beneficially owned by a person, regardless of the form which such beneficial ownership takes, shall be aggregated in calculating the number of shares beneficially owned by such person.

(d) Notwithstanding the provisions of paragraphs (a) and (c) of this rule:

(1)(i) A person shall be deemed to be the beneficial owner of a security, subject to the provisions of paragraph (b) of this rule, if that person has the right to acquire beneficial ownership of such security, as defined in Rule 13d-3(a) (§ 240.13d-3(a)) within sixty days, including but not limited to any right to acquire: (A) Through the exercise of any option, warrant or right; (B) Through the conversion of a security; (C) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or (D) Pursuant to the automatic termination of a trust, discretionary account or similar arrangement; provided, however, any person who acquires a security or power specified in paragraphs (A), (B) or (C), above, with the purpose or effect of changing or influencing the control of the issuer, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the securities which may be acquired through the exercise or conversion of such security or power. Any securities not outstanding which are subject to such options, warrants, rights or conversion privileges shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class by any other person.

(ii) Paragraph (i) remains applicable for the purpose of determining the obligation to file with respect to the underlying security even though the option, warrant, right or convertible security is of a class of equity security, as defined in Rule 13d-1(c), and may therefore give rise to a separate obligation to file.

(2) A member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities and, pursuant to the rules of such exchange, may direct the vote of such securities, without instruction, on other than contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted, but is otherwise precluded by the rules of such exchange from voting without instruction.

(3) A person who in the ordinary course of his business is a pledgee of securities under a written pledge agreement as to which there has been a default shall not be deemed to be the beneficial owner of such pledged securities until the pledgee has taken all formal steps necessary which are required to declare such default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged securities will be exercised: *Provided*, That:

(i) The pledge agreement is bona fide, does not grant the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged securities to the pledgee prior to default, and was not entered into with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with any transaction having such purpose or effect, including any transaction subject to Rule 13d-3(b); and

(ii) The pledgee is a person specified in Rule 13d-1(b)(1)(ii).

(4) A person engaged in business as an underwriter of securities who acquires securities through his participation in good faith in a firm commitment underwriting registered under the Securities Act of 1933 shall not be deemed to be the beneficial owner of such securities until the expiration of forty days after the date of such acquisition.

§ 240.13d-4 Disclaimer of beneficial ownership.

Any person may expressly declare in any statement filed that the filing of such statement shall not be construed as an admission that such person is, for the purposes of sections 13(d) or 13(g) of the Act, the beneficial owner of any securities covered by the statement.

§ 240.13d-5 Acquisition of securities.

(a) A person who becomes a beneficial owner of securities shall be deemed to have acquired such securities for purposes of section 13(d)(1) of the Act, whether such acquisition was through purchase or otherwise. However, executors or administrators of a decedent's estate generally will be presumed not to have acquired beneficial ownership of the securities in the decedent's estate until such time as such executors or administrators are qualified under local law to perform their duties.

(b)(1) When two or more persons agree to act together for the purpose of acquiring, holding, voting or disposing of equity securities of an issuer, the group formed thereby shall be deemed to have acquired beneficial ownership, for purposes of sections 13(d) and 13(g) of the Act, as of the date of such agreement, of all equity securities of that issuer beneficially owned by any such persons.

(2) Notwithstanding the previous paragraph, a group shall be deemed not to have acquired any equity securities beneficially owned by the other members of the group solely by virtue of their concerted actions relating to the purchase of equity securities directly from an issuer in a transaction not involving a public offering: *Provided*, That:

(i) All the members of the group are persons specified in Rule 13d-1(b)(1)(ii);

(ii) The purchase is in the ordinary course of each member's business and not with the purpose nor with the effect of changing or influencing control of the issuer, nor in connection with or as a participant in any transaction having such purpose or effect, including any transaction subject to Rule 13d-3(b);

(iii) There is no agreement among, or between any members of the group to act together with respect to the issuer or its securities except for the purpose of facilitating the specific purchase involved; and

(iv) The only actions among or between any members of the group with respect to the issuer or its securities subsequent to the closing date of the non-public offering are those which are necessary to conclude ministerial matters directly related to the completion of the offer or sale of the securities.

§ 240.13d-6 Exemption of certain acquisitions.

The acquisition of securities of an issuer by a person who, prior to such acquisition, was a beneficial owner of more than five percent of the outstanding securities of the same class as those acquired shall be exempt from section 13(d) of the Act: *Provided*, That:

(a) The acquisition is made pursuant to preemptive subscription rights in an offering made to all holders of securi-

ties of the class to which the preemptive subscription rights pertain;

(b) Such person does not acquire additional securities except through the exercise of his pro rata share of the preemptive subscription rights; and

(c) The acquisition is duly reported, if required, pursuant to section 16(a) of the Act and the rules and regulations thereunder.

§ 240.13d-7 Fees for filing Schedules 13D or 13G.

The initial Schedule 13D or 13G filed by a person shall be accompanied by a fee of $100 payable to the Commission, no part of which shall be refunded. No fees shall be required with respect to the filing of any amended Schedule 13D or 13G: *Provided, however,* That once an amendment has been filed reflecting beneficial ownership of less than 5 percent of such class, an additional fee of $100 shall be paid with the next filing of that person which reflects ownership of more than 5 percent thereof.

§ 240.13d-101 Schedule 13D—Information to be included in statements filed pursuant to § 240.13d-1(a) and amendments thereto filed pursuant to § 240.13d-2(a).

SECURITIES AND EXCHANGE COMMISSION, WASHINGTON, D.C. 20549

SCHEDULE 13D

Under the Securities Exchange Act of 1934 (Amendment No. —)

_____

(Name of Issuer.)

_____

(Name of person(s) filing Statement.)

_____

(Title of class of securities.)

_____

(CUSIP Number.)

_____

(Name, address and telephone number of person authorized to receive notices and communications.)

_____

(Date of event which requires filing of this statement.)

If the filing person has previously filed a statement on Schedule 13G to report the acquisition which is the subject of this statement, and is filing this statement because of Rule 13d-1(b) (3) or (4), check the following: ☐

Check the following box if a fee is being paid with this statement: ☐ (A fee is not required only if the filing person: (1) has a previous statement on file reporting beneficial ownership of five percent or more of the class of securities described in Item 1; and (2) has filed no amendment subsequent thereto reporting beneficial ownership of less than five percent of such class. See Rule 13d-7.)

NOTE.—Six copies of this statement, including all exhibits, should be filed with the Commission. See Rule 13d-1(a) for other parties to whom copies are to be sent.

Instructions. A. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

B. Information contained in exhibits to the statement may be incorporated by reference in answer or partial answer to any item or sub-item of the statement unless it would render such answer incomplete, unclear or confusing. Matter incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required.

C. If the statement is filed by a general or limited partnership, syndicate, or other group, the information called for by Items 2-6, inclusive, shall be given with respect to (i) each partner of such general partnership; (ii) each partner who is denominated as a general partner or who function as a general partner of such limited partnership; (iii) each member of such syndicate or group; and (iv) each person controlling such partner or member. If the statement is filed by a corporation or if a person referred to in (i), (ii), (iii) or (iv) of this Instruction is a corporation, the information called for by the above mentioned items shall be given with respect to (a) each executive officer and director of such corporation; (b) each person controlling such corporation; and (c) each executive officer and director of any corporation or other person ultimately in control of such corporation. Executive officer shall mean the president, secretary, treasurer, and any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs or has the power to perform similar policy making functions for the corporation.

Item 1. Security and Issuer. State the title of the class of equity securities to which this statement relates and the name and address of the principal executive offices of the issuer of such securities.

Item 2. Identity and Background. If the person filing this statement or any person enumerated in Instruction C of this statement is a corporation, general partnership, limited partnership, syndicate or other group of persons, state its name, the state or other place of its organization, its principal business, the address of its principal office and the information required by (d) and (e) of this Item. If the person filing this statement or any person enumerated in Instruction C is a natural person, provide the information specified in (a) through (f) of this Item with respect to such person(s).

(a) Name;

(b) Residence or business address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is conducted;

(d) Whether or not, during the last five years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, any penalty imposed, or other disposition of the case;

(e) Whether or not, during the last five years, such person was a party to a civil proceeding of a judicial or administrative body of competent jurisdiction and as a result of such proceeding was or is subject to a judgment, decree or final order enjoining future violations of, or prohibiting or mandating activities subject to, federal or state securities laws or finding any violation with respect to such laws; and, if so, identify and describe such proceedings and summarize the terms of such judgment, decree or final order; and

(f) Citizenship.

Item 3. Source and Amount of Funds or Other Consideration. State the source and the amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price is or will be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, trading or voting the securities, a description of the transaction and the names of the parties thereto. Where material, such information should also be provided with respect to prior acquisitions not previously reported pursuant to this regulation. If the source of all or any part of the funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of the Act, the name of the bank shall not be made available to the public if the person at the time of filing the statement so requests in writing and files such request, naming such bank, with the Secretary of the Commission. If the securities were acquired other than by purchase, describe the method of acquisition.

Item 4. Purpose of Transaction. State the purpose or purposes of the acquisition of securities of the issuer. Describe any plans or proposals which the reporting persons may have which relate to or would result in:

(a) The acquisition by any person of additional securities of the issuer, or the disposition of securities of the issuer;

(b) An extraordinary corporate transaction, such as a merger, reorganization or liquidation, involving the issuer or any of its subsidiaries;

(c) A sale or transfer of a material amount of assets of the issuer or any of its subsidiaries;

(d) Any change in the present board of directors or management of the issuer, including any plans or proposals to change the number or term of directors or to fill any existing vacancies on the board;

(e) Any material change in the present capitalization or dividend policy of the issuer;

(f) Any other material change in the issuer's business or corporate structure, including but not limited to, if the issuer is a registered closed-end investment company, any plans or proposals to make any changes in its investment policy for which a vote is required by section 13 of the Investment Company Act of 1940;

(g) Changes in the issuer's charter, bylaws or instruments corresponding thereto or other actions which may impede the acquisition of control of the issuer by any person;

(h) Causing a class of securities of the issuer to be delisted from a national securities exchange or to cease to be authorized to be quoted in an inter-dealer quotation

system of a registered national securities association;

(i) A class of equity securities of the issuer becoming eligible for termination of registration pursuant to section 12(g)(4) of the Act; or

(j) Any action similar to any of those enumerated above.

Item 5. Interest in Securities of the Issuer. (a) State the aggregate number and percentage of the class of securities identified pursuant to Item 1 (which may be based on the number of securities outstanding as contained in the most recently available filing with the Commission by the issuer unless the filing person has reason to believe such information is not current) beneficially owned (identifying those shares which there is a right to acquire) by each person named in Item 2. The above mentioned information should also be furnished with respect to persons who, together with any of the persons named in Item 2, comprise a group within the meaning of section 13(d)(3) of the Act;

(b) For each person named in response to paragraph (a), indicate the number of shares as to which there is sole power to vote or to direct the vote, shared power to vote or to direct the vote, sole power to dispose or to direct the disposition, or shared power to dispose or to direct the disposition. Provide the applicable information required by Item 2 with respect to each person with whom the power to vote or to direct the vote or to dispose or direct the disposition is shared;

(c) Describe any transactions in the class of securities reported on that were effected during the past sixty days or since the most recent filing of Schedule 13D (§ 240.13d-101), whichever is less, by the persons named in response to paragraph (a).

Instruction. The description of a transaction required by Item 5(c) shall include, but not necessarily be limited to: (1) the identity of the person covered by Item 5(c) who effected the transaction; (2) the date of the transaction; (3) the amount of securities involved; (4) the price per share or unit; and (5) where and how the transaction was effected.

(d) If any other person is known to have the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, such securities, a statement to that effect should be included in response to this item and, if such interest relates to more than five percent of the class, such person should be identified. A listing of the shareholders of an investment company registered under the Investment Company Act of 1940 or the beneficiaries of an employee benefit plan, pension fund or endowment fund is not required.

(e) If applicable, state the date on which the reporting person ceased to be the beneficial owner of more than five percent of the class of securities.

Instruction. For computations regarding securities which represent a right to acquire an underlying security, see Rule 13d-3(d)(1) and the note thereto.

Item 6. Contracts, Arrangements, Understandings or Relationships With Respect to Securities of the Issuer. Describe any contracts, arrangements, understandings or relationships (legal or otherwise) among the persons named in Item 2 and between such persons and any person with respect to any securities of the issuer, including but not limited to transfer or voting of any of the securities, finder's fees, joint ventures, loan or option arrangements, puts or calls, guarantees of profits, division of profits or loss, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, understandings or relationships have been entered into. Include such information for any of the securities that are pledged or otherwise subject to a contingency the occurrence of which would give another person voting power or investment power over such securities except that disclosure of standard default and similar provisions contained in loan agreements need not be included.

Item 7. Material to be Filed as Exhibits. The following shall be filed as exhibits: copies of each written agreement relating to the filing of joint acquisition statements as required by Rule 13d-1(e) (§ 240.13d-1(e)) and copies of all written agreements, contracts, arrangements, understandings, plans or proposals relating to (1) the borrowing of funds to finance the acquisition as disclosed in Item 3; (2) the acquisition of issuer control, liquidation, sale of assets, merger, or change in business or corporate structure or any other matter as disclosed in Item 4; and (3) the transfer or voting of the securities, finder's fees, joint ventures, options, puts, calls, guarantees of loans, guarantees against loss or of profits, or the giving or withholding of any proxy as disclosed in Item 6.

Signature. After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

Date ———————————

Signature ———————————

Name/Title ———————————

The original statement shall be signed by each person on whose behalf the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative (other than an executive officer or general partner of the filing person), evidence of the representative's authority to sign on behalf of such person shall be filed with the statement: *Provided, however,* That a power of attorney for this purpose which is already on file with the Commission may be incorporated by reference. The name and any title of each person who signs the statement shall be typed or printed beneath his signature.

ATTENTION.—Intentional misstatements or omissions of fact constitute Federal criminal violations (See 18 U.S.C. 1001).

§ 240.13d-102 Schedule 13G information to be included in statements filed pursuant to § 240.13d-1(b) and amendments thereto filed pursuant to § 240.13d-2(b).

SECURITIES AND EXCHANGE COMMISSION,
WASHINGTON, D.C. 20549

SCHEDULE 13G UNDER THE SECURITIES EXCHANGE ACT OF 1934

(Amendment No.)

Check the following box if a fee is being paid with this statement: [ ]. (A fee is not required only if the filing person: (1) Has a previous statement on file reporting beneficial ownership of 5 percent or more of the class of securities described in Item 1; and (2) has filed no amendment subsequent thereto reporting beneficial ownership of less than 5 percent of such class. See Rule 13d-7.)

Instructions. A. Statements containing the information required by this schedule shall be filed not later than February 14 following the calendar year covered by the statement or within the time specified in Rule 13d-1(b)(2), if applicable.

B. Information contained in a form which is required to be filed by rules under section 13(f) (15 U.S.C. 78m(f)) for the same calendar year as that covered by a statement on this schedule may be incorporated by reference in response to any of the items of this schedule. If such information is incorporated by reference in this schedule, copies of the relevant pages of such form shall be filed as an exhibit to this schedule.

C. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1(a) Name of issuer: ———————.

Item 1(b) Address of issuer's principal executive offices: ———————.

Item 2(a) Name of person filing: ———————.

Item 2(b) Address of principal business office: ———————.

Item 2(c) Citizenship: ———————.

Item 2(d) Title of class of securities: ———————.

Item 2(e) CUSIP No.: ———————.

Item 3. If this statement is filed pursuant to Rules 13d-1(b), or 13d-2(b), check whether the person filing is a:

(a) [ ] Broker or dealer registered under section 15 of the Act.

(b) [ ] Bank as defined in section 3(a)(6) of the Act.

(c) [ ] Insurance company as defined in section 3(a)(19) of the Act.

(d) [ ] Investment company registered under section 8 of the Investment Company Act.

(e) [ ] Investment adviser registered under section 203 of the Investment Advisers Act of 1940.

(f) [ ] Employee benefit plan, pension fund which is subject to the provisions of the Employee Retirement Income Security Act of 1974 or endowment fund; see § 240.13d-1(b)(1)(ii)(F).

(g) [ ] Parent holding company, in accordance with § 240.13d-1(b)(ii)(G).

NOTE: See item 7.

(h) [ ] Group, in accordance with § 240.13d-1(b)(1)(ii)(H).

Item 4. Ownership. If the percent of the class owned, as of December 31 of the year covered by the statement, or as of the last day of any month described in Rule 13d-1(b)(2), if applicable, exceeds 5 percent, provide the following information as of that date and identify those shares which there is a right to acquire.

(a) Amount beneficially owned: ———————.

(b) Percent of class: ———————.

(c) Number of shares as to which such person has:

(i) Sole power to vote or to direct the vote ———.

(ii) Shared power to vote or to direct the vote ———.

(iii) Sole power to dispose or to direct the disposition of ———.

(iv) Shared power to dispose or to direct the disposition of ———.

INSTRUCTION.—For computations regarding securities which represent a right to ac-

quire an underlying security see Rule 13d-3(d)(1).

Item 5. Ownership of 5 Percent or Less of a Class. If this statement is being filed to report the fact that as of the date hereof the reporting person has ceased to be the beneficial owner of more than 5 percent of the class of securities, check the following [ ].

INSTRUCTION.—Dissolution of a group requires a response to this item.

Item 6. Ownership of More than 5 Percent on Behalf of Another Person. If any other person is known to have the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, such securities, a statement to that effect should be included in response to this item and, if such interest relates to more than 5 percent of the class, such person should be identified. A listing of the shareholders of an investment company registered under the Investment Company Act of 1940 or the beneficiaries of employee benefit plan, pension fund or endowment fund is not required.

Item 7. Identification and Classification of the Subsidiary Which Acquired the Security Being Reported on By the Parent Holding Company. If a parent holding company has filed this form, so indicate under Item 3(g) and attach an exhibit stating the identity and the Item 3 classification of the relevant subsidiary, and, if applicable, a separate exhibit furnishing the information called for by Rule 13d-1(b)(1)(ii)(G) with respect to nonqualified subsidiaries.

Item 8. Identification and Classification of Members of the Group. If a group has filed this schedule, so indicate under Item 3(h) and attach an exhibit stating the identity and Item 3 classification of each member of the group.

Item 9. Notice of Dissolution of Group. Notice of dissolution of a group may be furnished as an exhibit stating the date of the dissolution and that all further filings with respect to transactions in the security reported on will be filed, if required, by members of the group, in their individual capacity. See Item 5.

Item 10. Certification. By signing below I certify that, to the best of my knowledge and belief, the securities referred to above were acquired in the ordinary course of business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer of such securities and were not acquired in connection with or as a participant in any transaction having such purpose or effect.

Signature. After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

Dated: ————.

————.
Signature.

————.
Name/Title.

The original statement shall be signed by each person on whose behalf the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative other than an executive officer or general partner of the filing person, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement, *Provided, however,* That a power of attorney for this purpose which is already on file with the Commission may be incorporated by reference. The name and any title of each person who signs the statement shall be typed or printed beneath his signature.

NOTE.—Six copies of this statement, including all exhibits, should be filed with the Commission.

ATTENTION.—Intentional misstatements or omissions of fact constitute Federal criminal violations (see 18 U.S.C. 1001).

(Secs. 3(b), 13(d)(1), 13(d)(2), 13(d)(5), 13(d)(6), 14(d)(1), 23; 48 Stat. 882, 894, 895, 901; sec. 203(a), 49 Stat. 704, sec. 8, 49 Stat. 1379; sec. 10, 78 Stat. 88a; secs. 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3-5, 84 Stat. 1497; secs. 3, 18, 89 Stat. 97, 155 (15 U.S.C. 78c(b), 78m(d)(1), 89m(d)(2), 78m(d)(5), 78m(d)(6), 78n(d)(1), 78w).)

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

III. Item 19 of Form S-1, Item 18 of Form S-11, Item 5 of Form 10, Item 14 of Form 10-K, and Item 5(g) of Schedule 14A are amended to read as follows:

§ 239.11 Form S-1, registration statement under the Securities Act of 1933.

§ 239.18 Form S-11, for registration under the Securities Act of 1933 of securities of certain real estate companies.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

§ 249.14a-101 Schedule 14A. Information required in proxy statement.

INSTRUCTIONS.—1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the registrant or its subsidiaries, plus securities deemed outstanding pursuant to Rule 13d-3(d)(1) under the Exchange Act.

(Secs. 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; 15 U.S.C. 77g, 77j, 77s(a); secs. 12, 13, 14, 15(d), 23, 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 10, 78 Stat. 565-568, 569, 570-574, 88a; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3-5, 28(c), 84 Stat. 1435, 1479; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155 (15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78w).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 21, 1978.

[FR Doc. 78-11534 Filed 4-27-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release Nos. 33-5926; 34-14693; File No. S7-739]

FILING AND DISCLOSURE REQUIREMENTS RELATING TO BENEFICIAL OWNERSHIP

Proposed Amendments to Rule and Schedule

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to rule and schedule.

SUMMARY: The Commission is proposing for comment the amendment of a rule which would expand the classes of persons required to disclose beneficial ownership and related information of certain equity securities. The persons to be added under the proposed amendment are those who own more than five percent of a class of certain equity securities and who: (a) Acquired such ownership prior to December 22, 1970; (b) acquired not more than 2 percent of the class within a 12-month period; or (c) acquired such ownership in certain stock-for-stock exchanges. These actions would implement the statutory authorization recently granted to the Commission to close the gaps which exist in the present scheme for requiring disclosure of persons whose beneficial ownership exceeds 5 percent of a class of certain equity securities.

DATE: Comments must be received on or before June 30, 1978.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-739. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

John Granda, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1750.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced proposed amendments to new rule 13d-1 and new schedule 13G relating to disclosure by certain persons whose beneficial ownership of equity securities described in section 13(d)(1) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975) and Pub. L. No. 95-213 (December 19, 1977)) exceeds 5 percent. These announcements were made at the same time that the Commission announced amendments to regulation 13D. Regulation 13D had been scheduled to take effect on April 30, 1978. As amended, that schedule will take effect 30 days after the publication in the FEDERAL REGISTER of a related release published today. See Exchange Act Release No. 34-14692 (43 FR). The amendments are being proposed for comment to assist in the development of a comprehensive system for disclosure of the beneficial ownership of certain public companies.

I. BACKGROUND

Section 13(d) of the Exchange Act requires any person who acquires beneficial ownership of more than 5 percent of a class of certain equity securities to file a statement with the Commission reporting that acquisition and certain other information related to such person's ownership of those securities. Section 13(d) is not, however, an ownership reporting provision of general application. Its legislative history reveals that it was intended to provide information to the public and the affected issuer about rapid accumulations of its equity securities in the hands of persons who would then have the potential to change or influence control of the issuer.[1]

Because section 13(d) attempts to deal with the more limited concern of rapid shifts in control, acquisitions unrelated to that purpose were exempted therefrom. Thus, persons who acquire not more than 2 percent of a class of securties within a 12-month period are exempted by section 13(d)(6)(B) from disclosing their ownership. Also section 13(d) is keyed to making an "acquisition" of the requisite amount of securities. Thus persons who acquired their ownership prior to the enactment of the 5-percent threshold on December 22, 1970 (Pub. L. 91-567) also are not subject to section 13(d). There also is an exemption from reporting acquisitions of securities acquired in a stock-for-stock exchange which is registered under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq.) because Congress apparently believed, at that time, that shareholders of the subject issuer would, through the receipt of the required prospectus, receive all the material facts necessary to make an informed decision whether to hold their stock or exchange it for the stock of the company making the exchange offer.[2]

In June 1975 Congress enacted section 12(m) of the Exchange Act which directed the Commission to conduct a study and investigation of the practice of recording the ownership of securities in other than the name of the beneficial owner—"Street"[3] and "nominee"[4] names—to determine whether the practice is consistent with, inter alia, the purpose of section 13(d). In its final report to Congress on December 3, 1976 ("Street Name Study"), the Commission concluded that the practice limits the amount of information readily available to the public regarding beneficial owners of substantial amounts of an issuer's securities and therefore may not provide the disclosure contemplated by Congress. In particular, the Commission noted the gaps in section 13(d), discussed above, which permit persons whose ownership exceeds 5 percent to avoid reporting such ownership. The Commission recommended that a comprehensive system for disclosure of ownership interests be established and requested legislation to require ownership reports from those persons owning more than 5 percent of an issuer's securities who were not then required to report under the Exchange Act.

The Commission's recommendation was implemented with the enactment of section 13(g) of the Exchange Act on December 19, 1977.[5] Section 13(g)(1) requires any person who is directly or indirectly the beneficial owner of more than 5 percent of a class of equity securities specified in Section 13(d)(1) of the Exchange Act to send to the issuer and file with the Commission a statement setting forth, in such form and at such time as the Commission may, by rule, prescribe: Such person's identity, residence, citizenship, the number and description of the shares in which such person has

---

[1] S. Rep. No. 550, 90th Congress, 1st session 7 (1967); H.R. Rep. No. 1711, 90th Congress, 2nd session 8 (1968) and hearings on S. 510 before the Subcommittee on Securities of the Senate Committee on Banking and Currency, 90th Congress, 1st session (1967).

[2] Section 13(d)(6)(A). See S. Rep. No. 550, 90th Congress, 1st session 3 (1967); H.R. Rep. No. 1711, 90th Congress, 2nd session 3 (1968).

[3] Nominee name registration refers to arrangements used by institutional investors and financial intermediaries for the registration of securities held by them for their own account or for the account of their customers who are the beneficial owners of securities.

[4] Street name registration, a specialized type of nominee registration, refers to the practice of a broker registering in its name, or in the name of its nominee, securities left with it by customers or held by it for its own account.

[5] Section 13(g) was added to the Exchange Act by the Domestic and Foreign Investment Disclosure Act of 1977 (the "Act") (Title II of Pub. L. No. 95-213). The Act also amended section 13(d)(1) and section 15(d) of the Exchange Act and added section 13(h) to the Exchange Act.

an interest and the nature of such interest. Section 13(g)(1) taken literally would require disclosure of the prescribed information, as well as that which may be required pursuant to the Commission's general rulemaking authority thereunder, regardless of whether the persons subject thereto are also required to report similar ownership information under other sections of the Exchange Act. Section 13(g)(5), however, directs the Commission to take such steps as are necessary and appropriate in the public interest and for the protection of investors to achieve centralized reporting of the information, to avoid unnecessary duplicative reporting, and to minimize the compliance burden on persons required to report. Moreover, the legislative history is clear that section 13(g) was intended to "supplement the current statutory scheme by providing legislative authority for certain additional disclosure requirements that in some cases could not be imposed administratively."[6] The principal effect of section 13(g), therefore, is to provide the authority necessary to close the gaps previously described in the disclosure requirements under section 13(d).[7]

II. Synopsis of Proposed Amendments to Rule and Schedule

A. Proposed amendment to rule 13d-1

In order to effectuate the Congressional purpose underlying section 13(g)(1), as described above, the Commission is proposing, inter alia, to recaption "Regulation 13D," "Regulation 13D-G" and to add a new paragraph (c) to Rule 13d-1 with the existing paragraph (c) and the succeeding paragraphs redesignated accordingly. Proposed Rule 13d-1(c) would require persons who own more than 5 percent of a class of security currently specified in Rule 13d-1(c), and who are currently not required to file under Rule 13d-1(a), to file a statement on Schedule 13G containing the information applicable to such persons. Generally, persons who are not required to file under Rule 13d-1(a) but who would be required to file a Schedule 13 G pursuant to amendments herein proposed are: (1) Those persons who acquired beneficial ownership of their securities prior to December 22, 1970, and therefore are exempt from Rule 13d-1(a) because they acquired their ownership prior to the date of the enactment of the 5-percent reporting threshold; (2) those persons who acquired not more than 2 percent of a class of securities within a 12-month period, who are exempt from Rule 13d-1(a) by section 13(d)(6)(B); and (3) those persons who acquired securities through a stock-for-stock exchange registered under the Securities Act who are exempted from Rule 13d-1(a) by section 13(d)(6)(A). Proposed Regulation 13D-G also would require any person "otherwise" not required to report pursuant to section 13(d), but who is a beneficial owner of more than 5 percent of a specified class of equity securities to report on Schedule 13G.

Proposed Rule 13d-1(c) would subject persons it covers to all of the rules in Regulation 13D-G. Thus, the determination of whether a person is a beneficial owner for the purpose of proposed Rule 13d-1(c) would be governed by Rule 13d-3(a). That Rule provides that a beneficial owner of a security includes any person who has or shares voting power and/or investment power with respect to such security. Voting power includes "the power to vote, or to direct the voting of such security" and investment power includes "the power to dispose, or to direct the disposition of such security." Under Rule 13d-3(d)(1)(i) a person is also deemed to be the beneficial owner of securities which he may acquire at any time within sixty days, subject to certain conditions. In addition, Rule 13d-3(c) provides that all securities beneficially owned by a person are to be aggregated in determining how may securities such persons owns, regardless of the nature of the beneficial ownership.

As indicated above, reporting under proposed Rule 13d-1(c) and under proposed Regulation 13D-G is directed to obtaining ownership information from persons who have the potential to change or influence control of the issuer. The Commission believes that, while section 13(g) is a disclosure provision of more general application than section 13(d), the possible affect on control is the aspect of beneficial ownership of greatest interest to issuers and investors.[9] Accordingly, the traditional economic interest in securities, i.e., the right to receive dividends and the right to receive proceeds upon sale, have not been included as criteria for defining beneficial ownership.

The legislative history of section 13(g) also stresses "the need to integrate and consolidate, wherever possible, the various reporting requirements of the Securities Exchange Act into a comprehensive system for gathering and disseminating information about ownership interests in public (sic) held companies."[10] Thus, section 13(g)(5) directs the Commission to take such steps as it deems necessary or appropriate in the public interest: To achieve centralized reporting of information regarding ownership; to avoid unnecessarily duplicative reporting by and minimize the compliance burden on persons required to report; and to tabulate and promptly make available the information contained in any report filed thereunder in a manner which will, in the view of the Commission, maximize the usefulness of the information.

Adoption of proposed Rule 13d-1(c) as part of proposed Regulation 13D-G would in the Commission's view, achieve the system contemplated by Congress for the reporting of beneficial ownership of the equity securities of public companies.

Regulation 13D-G should result in a minimum of duplication, although some duplication may be necessary to accomplish the differing regulatory objectives of the various sections of the Exchange Act requiring disclosure of ownership information. In order to minimize such duplication for persons who are required to report under sections 13(f) and 13(g), such persons would be permitted to respond to any of the items of Schedule 13G by incorporating by reference information contained in a report which is filed pursuant to section 13(f).

In light of the objective of obtaining ownership information directed to the ability to change or influence control, it is not feasible to integrate the reports filed pursuant to section 16(a) into the reporting system under proposed Regulation 13D-G. Section 16 is a prophylatic provision designed to prevent the use of inside information by certain insiders to derive windfall profits on purchases and sales of the issuer's securities within a 6-month period. The overriding concern under section 16 is with the economic incidents of ownership. Beneficial ownership is therefore defined differently for section 16 and for Regulation 13D-G in order to achieve their separate purposes. Thus, consolidation of the ownership information under the two sets of reports would be a matter of mixing two distinct concepts. Further difficulty in joining the two reporting systems is presented by the fact that section 16 has a 10-percent reporting threshold while sections 13(d) and 13(g) have a 5-percent threshold.

The Commission believes that the compliance burden on persons required to file Schedule 13G would be minimum, since the information called for is essentially the minimum statutory requirement. Moreover, it is to be filed annually within 45 days after the

[6] S. Rep. No. 114, 95th Congress, 1st session 13 (1977).

[7] Id.

[9] "The touchstone of the national disclosure policy in this area is the concept of control or potential control." Final report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in Other Than the Name of the Beneficial Owner of Such Securities, 94th Congress, 2nd session (Committee print 1976), at 50 n. 13.

[10] S. Rep. No. 550, 90th Congress, 1st session 14 (1967).

end of the calendar year. The expense of consolidating the necessary ownership information is also held to a minimum since a determination need only be made as of the last day of the calendar year.

Registrants which are required to file periodic reports under section 13 of the Exchange Act must set forth in Item 14 of their annual report on Form 10-K and in Item 5 of their proxy statement the name, address, number of shares owned, and the percent of the class represented by such shares for each person who beneficially owns more than 5 percent of a class of its securities. These registrants will be able to more accurately reflect such ownership information because all persons who own more than 5 percent of a class of an issuer's equity securities will be required to send a copy of his Schedule 13D or Schedule 13G to the issuer. Shareholders, interested members of the public, and government agencies will therefore be able to consult the ownership information prepared by the registrant and filed in its annual report or proxy statement for the purpose of identifying the substantial beneficial owners of a particular issuer. If further information is necessary with respect to such ownership, the statements (Schedules 13D and 13G) upon which the issuer based its disclosure may be examined in the Commission's public files.

The Commission will also explore in the coming months a computerized retrieval system for key ownership information. It is contemplated that the system might be indexed both for issuers and beneficial owners. Thus, information could be retrieved identifying the owners of a particular issuer, as well as identifying the section 13(d)(1) securities which a particular person owns.

B. PROPOSED AMENDMENT TO SCHEDULE 13G

Because persons who may be filing under proposed Rule 13d-(1)(c) may not have a business office, provision is proposed to be made in Item 2 of the schedule to permit them to state their residence address.

Persons who are currently eligible to file Schedule 13G are required to certify that the securities to which the Schedule relates were acquired in the ordinary course of business and not with the purpose or with the effect of changing or influencing control or as a participant in any transaction having such purpose or effect. The persons who would be filing Schedule 13G under proposed Rule 13d-1(c) would not, however, have to so certify because they are not required to satisfy the conditions in the certification in order to use the schedule. Accordingly, the introduction to the certification item is proposed to be amended to make it applicable only to persons filing pursuant to Rule 13d-1(b).

PROPOSED AMENDMENTS

(ATTENTION.—The text of the following proposed amendments uses ► ◄ arrows to indicate additions and [ ] brackets to indicate deletions.)

I. 17 CFR Part 240 is proposed to be amended by revising Regulation 13D in the following respects:

[REGULATION 13D]

►REGULATION 13D-G◄

Section 240.13d-1 is proposed to be amended to read as follows:

§ 240.13d-1 Filing of Schedules 13D and 13G.

(a) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is specified in paragraph [(c)] ►(d)◄, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, and to each exchange where the security is traded, and file with the Commission, a statement containing the information required by Schedule 13D [§ 240.13d-101]. Six copies of the statement, including all exhibits, shall be filed with the Commission.

(b)(1) A person who would otherwise be obligated under paragraph (a) to file a statement on Schedule 13D may, in lieu thereof, file with the Commission, within 45 days after the end of the calendar year in which such person became so obligated, six copies, including all exhibits, of a short form statement on Schedule 13G and send one copy each of such schedule to the issuer of the security at its principal executive office, by registered or certified mail, and to the principal national securities exchange where the security is traded: *Provided*, That it shall not be necessary to file a Schedule 13G unless the percentage of the class of equity security specified in paragraph [(c)]
►(d)◄ Beneficially owned as of the end of the calendar year is more than 5 percent: *And provided further*, That:

* * * * *

►(c) Any person who, as of December 31, 1978, or as of the end of any calendar year thereafter, is directly or indirectly the beneficial owner of more than 5 percent of any equity security of a class specified in paragraph (d) and who is not required to file a statement under paragraph (a) by virtue of the exemption provided by section 13(d)(6)(A) or (B) of the Act, or because such beneficial ownership was acquired prior to December 22, 1970, or because such person otherwise is not required to file such statement, shall, within 45 days after the end of the calendar year in which such person became obligated to report under this paragraph, send to the issuer of the security at its principal executive office, by registered or certified mail, and file with the Commission a statement containing the information required by Schedule 13G (§ 240.13g-101). Six copies of the statement, including all exhibits, shall be filed with the Commission.◄

[c]►(d)◄ For the purpose of this rule, the term "equity security" means any equity security of a class which is registered pursuant to section 12 of the Act, or any equity security of any insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of the Act, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940: *Provided*, Such term shall not include securities of a class of nonvoting options, warrants, rights, convertible debt, or convertible preferred securities.

[d]►(e)◄ For the purpose of sections 13(d) and 13(g), any person, in determining the amount of outstanding securities of a class of equity securities, may rely upon information set forth in the issuer's most recent quarterly or annual report, and any current report subsequent thereto, filed with the Commission pursuant to this Act, unless he knows or has reason to believe that the information contained therein is inaccurate.

[e]►(f)◄ (1) Whenever two or more persons are required to file a statement containing the information required by Schedule 13D or Schedule 13G with respect to the same securities, only one statement need be filed: *Provided*, That:

(i) Each person on whose behalf the statement is filed is individually eligible to use the schedule on which the information is filed;

(ii) Each person on whose behalf the statement is filed is responsible for the timely filing of such statement and any amendments thereto, and for the completeness and accuracy of the information concerning such person contained therein; such person is not responsible for the completeness or accuracy of the information concerning the other persons making the filing, unless such person knows or has reason to believe that such information is inaccurate; and

(iii) Such statement identifies all such persons, contains the required information with regard to each such person, indicates that such statement is filed on behalf of all such persons, and includes, as an exhibit, their

agreement in writing that such a statement is filed on behalf of each of them.

* * * * *

II. Item 7 of Schedule 13D (§ 240.13d-101) is proposed to be amended to read as follows:

ITEM 7. MATERIAL TO BE FILED AS EXHIBITS

The following shall be filed as exhibits: Copies of written agreements relating to the filing of joint acquisition statements as required by Rule 13d-1[(e)]►(f)◄(§ 240.13d-1[(e)]►(f)◄) and copies of all written agreements, contracts, arrangements, understandings, plans, or proposals relating to: (1) The borrowing of funds to finance the acquisition as disclosed in Item 3; (2) the acquisition of issuer control, liquidation, sale of assets, merger, or change in business or corporate structure, or any other matter as disclosed in Item 4; and (3) the transfer or voting of the securities, finder's fees, joint ventures, options, puts, calls, guarantees of loans, guarantees against loss or of profit, or the giving or withholding of any proxy as disclosed in Item 6.

* * * * *

III. Schedule 13G is proposed to be amended to read as follows:

§ 240.13d-102 Schedule 13G information to be included in statements filed pursuant to § 240.13d-1(b) ► and (c)◄ and amendments thereto filed pursuant to § 240.13d-2(b).

* * * * *

Items 2 and 10 of § 240.13d-102 are proposed to be amended to read as follows:

* * * * *

2(a) Name of person filing: ———————.

2(b) Address or principal business office ►or, if none, residence◄:———————.

2(c) Citizenship: ———————.

2(d) Title of class of securities: ———————.

2(e) CUSIP No.: ———————.

* * * * *

10. Certification. ►The following certification shall be included if the statement is filed pursuant to Rule 13d-1(b):◄

By signing below I certify that, to the best of my knowledge and belief, the securities referred to above were acquired in the ordinary course of business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer of such securities and were not acquired in connection with or as a participant in any transaction having such purposes or effect.

(Secs. 3(b), 13(g)(1), 13(g)(2), 13(g)(5), 23(a); 48 Stat. 882, 901; Pub. L. 95-213 (December 19, 1977); sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; secs. 3, 18, 89 Stat. 97, 155 (15 U.S.C. 78c(b), 78w(a)).)

STATUTORY AUTHORITY

The foregoing proposed action is taken pursuant to the authority set forth in sections 3(b), 13(g)(1), 13(g)(2), 13(g)(5), and 23 of the Exchange Act.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 21, 1978.

[FR Doc. 78-11535 Filed 4-27-78; 8:45 am]

FRIDAY, APRIL 28, 1978
PART IV



federal register

ENVIRONMENTAL PROTECTION AGENCY

■

Standards Applicable to Transporters of Hazardous Wastes

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 875-3]

[40 CFR Part 250]

STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE AND PUBLIC HEARING

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) issues proposed standards under section 3003 of the Solid Waste Disposal Act (the Act) prescribing procedures for recordkeeping, acceptance of hazardous waste for transport, compliance with the manifest system, delivery of the hazardous waste to a designated facility, spills, and placarding/marking of vehicles. In addition, EPA proposes that all hazardous wastes which meet the Department of Transportation's (DOT'S) definition of a hazardous material be subject to the Federal DOT Hazardous Material Regulations for both interstate and intrastate shipments. DOT is in the process of developing regulations which will include coverage of hazardous wastes. If DOT develops standards similar to those proposed by EPA, the EPA hazardous waste transportation standards will be modified to reflect the DOT Hazardous Materials Regulations or will reference the DOT Hazardous Materials Regulations. These proposed standards are applicable to transporters of hazardous waste, and they are being issued to protect human health and the environment.

EPA will be issuing additional proposed regulations for hazardous waste at a later date. For details concerning dates and hearings on these future proposed regulations see supplementary information.

DATES: Comments requested on or before June 27, 1978. Hearing: First joint hearing with DOT is scheduled for June 20, 1978.

For details concerning for comment due date and hearings on this proposed regulation, see supplementary information.

ADDRESSES: Comments to: Deputy Assistant Administrator for Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket or notice number, which is Section 3003 for these proposed standards.

Official record for this rulemaking available at: Room 2111D, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

Hearing: First joint hearing with DOT is scheduled for June 20, 1978, at the Holiday Inn, Old Town, 480 King Street, Alexandria, Va., 703-549-6080.

FOR FURTHER INFORMATION CONTACT:

Mr. Arnie Edelman, 202-755-9187.

SUPPLEMENTARY INFORMATION: Dates—EPA will propose all hazardous waste regulations under Subtitle C during the spring and summer of 1978. Since certain Sections will be ready for proposal ahead of others, EPA will propose each Section as it becomes available. Comments concerning Section 3003 standards would be appreciated by June 27, 1978. However, the comment period for all Sections (3001-3005), will remain open until at least 60 days after the last Section is proposed in the FEDERAL REGISTER. This will enable those who would prefer to comment on all five Sections at the same time to do so. A notice announcing the closing date for all Sections will be published in the FEDERAL REGISTER upon publication of the last Section.

HEARING: Public hearings on all Subtitle C proposed regulations (3001-3005) will be held during the summer of 1978. The dates of the public hearings will be announced in the FEDERAL REGISTER. EPA and DOT plan to hold joint public hearings on these regulations. The first joint hearing with DOT is scheduled for June 20, at the Holiday Inn, Old Town, 480 King Street, Alexandria, Va., 703-549-6080. Additional EPA/DOT hearing dates will be announced in the FEDERAL REGISTER to coincide with the public hearings that will be held on Sections 3001 and 3002.

Oral or written comments may be submitted at the public hearing on these proposed standards. Registration for the hearing will be held between 8:30 and 9 a.m. Requests to participate in the public hearing should be directed to: Ms. Gerri Wyer, Public Participation Officer, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-9157.

FOR FURTHER INFORMATION CONTACT:

Mr. Arnie Edelman, Hazardous Waste Management Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-9187.

Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580) (hereinafter RCRA), creates a regulatory framework to control hazardous waste. Congress has found that such waste presents "special dangers to health and requires a greater degree of regulation than does non-hazardous solid waste" (Section 1002(b)(5)). Because of the seriousness of this waste problem, Congress intended that the States develop programs to control it. In the event that States do not choose to operate this program, EPA is required to do so.

This rule is one of a series of seven being developed and proposed under Subtitle C to implement the hazardous waste management program. It is important to note the broad definition of solid waste (Section 1004(27)) which encompasses (with a few exceptions) garbage, refuse, sludges, and other discarded materials including liquids, semi-solids, and contained gases from both municipal and industrial sources. Hazardous wastes, which are a subset of all solid wastes, are those which have particularly significant impacts on public health and the environment.

Subtitle C, then, creates a management control system which, for those wastes defined as hazardous, requires "cradle-to-grave" cognizance including appropriate monitoring, recordkeeping, and reporting throughout the system. Section 3001 defines the criteria and characteristics for identifying and listing hazardous wastes. Those wastes which are identified as hazardous by these means are included in the management control system contructed under Sections 3002-3006 and 3010. Those that are excluded will in any case be subject to the requirements being carried out by States under Subtitle D, under which open dumping is prohibited and environmentally acceptable practices are required.

Section 3002 addresses the standards applicable to generators. The Agency does not interpret the intent of Congress to include in this category individual homeowners. Section 3002 requires the creation of a manifest system which will track wastes from the point of generation to their ultimate disposition.

Section 3003 addresses standards affecting transporters of hazardous wastes to assure that wastes are carefully managed during the transport phase. The Agency is exploring opportunities for meshing closely with proposed and current DOT regulations to avoid duplication in this area.

Section 3004 addresses standars affecting owners and operators of hazardous waste storage, treatment, and disposal facilities. These standards define the levels of environmental protection to be achieved by these facilities and provide the criteria against which EPA (or State) officials will measure applications for permits. Facilities on the generator's property, as well as off-site facilities, are covered by these regulations and will require permits. Generators and transporters who do not treat, store, or dispose of hazardous wastes do not need permits.

Section 3005 describes the scope and coverage of the actual permit-granting

process for facility owners and operators. Requirements for the permit application, as well as for the issuance and revocation process, are defined by these regulations. Section 3005(c) provides for interim permitted status during the time period in which the Agency or State is reviewing the pending permit applications.

Section 3006 requires EPA to issue guidelines for State programs and procedures by which States may seek both full and interim authorization to carry out the hazardous waste program in lieu of an EPA-administered program.

Section 3010 defines procedures by which any person generating, transporting, owning or operating a facility for storage, treatment, and disposal of hazardous waste must notify EPA of this activity within 90 days of promulgation of regulations defining any hazardous waste (section 3001). Certain States will be authorized to perform this function upon application to the Administrator. It is significant to note that no hazardous waste subject to Subtitle C regulations may be legally transported, treated, stored, or disposed, nor may interim permits be issued, unless this timely notification is given to EPA or a designated State. After this 90-day notification period, transporters will need to comply with 250.32, which requires transporters to obtain an identification code from EPA or an authorized State.

Sections 3001, 3002, 3004, and 3005 standards are expected to be proposed during the summer of 1978. The Agency intends to promulgate final regulations by the fall of 1978 for all of these sections of Subtitle C. However, it is important for the regulated communities to understand that the regulations (sections 3002-5) do not take effect until six months after promulgation. Thus, there will be a time period after final promulgation during which public understanding of the regulations can be increased and those covered by the regulations can prepare to comply. During this same period, notifications required under section 3010 and permit applications required under section 3005 can be distributed for completion by applicants.

Table I appearing below cross references the numbered sections of RCRA to the Subpart designations to be used in the regulations:

TABLE I

Solid Waste Disposal Act.
Subtitle C—Numbering System.
Subpart A—Section 3001 Standards for Criteria, Identification, and Listing of Hazardous Waste.
Subpart B—Section 3002 Standards Applicable to Generators.
Subpart C—Section 3003 Standards Applicable to Transporters.
Subpart D—Section 3004 Standards for Owners and Operators of Treatment Storage, and Disposal Facilities.
Subpart E—Section 3005 Permits for Treatment, Storage, or Disposal.
Subpart F—Section 3006 Guidelines for Authorized State Programs.
Subpart G—Section 3010 Preliminary Notification of Hazardous Waste Activities.

BACKGROUND

In developing these standards for transporters of hazardous waste, the Environmental Protection Agency has solicited comments, data, opinions, and suggestions from the regulated community (i.e., hazardous waste generators, transporters, operators of treatment and disposal facilities), States, and the public on the major issues confronting EPA as part of the regulation development process. This effort has included the publication of an Advance Notice of Proposed Rulemaking (ANPR) 42 FR 22332 (May 2, 1977), a series of 13 public meetings with a total attendance of over 1,000 people, and the review of the draft regulations by representatives from the public, public interest groups, State and local governments, transporters, generators, and disposers of waste. All comments were reviewed and considered by EPA before proposing these standards for hazardous waste transportation.

Compliance with these hazardous waste transportation regulations (which include by reference most of CFR 46 and CFR 49) by no means exempts the transporter from compliance with the requirements of other Federal, State, or local regulations.

Section 3003(a) of the Act directs the Administrator to promulgate regulations establishing standards applicable to transporters of hazardous wastes "as may be necessary to protect human health and the environment." Such standards shall include but need not be limited to recordkeeping, transportation of properly labeled wastes, compliance with the manifest system, and delivery of the hazardous waste only to a permitted facility. Section 3003(b) states that in case any hazardous waste identified or listed by EPA is subject to the Hazardous Materials Transportation Act (88 Stat. 2156; 49 U.S.C. 1801 and following), the Subtitle C regulations promulgated by the Administrator shall be consistent with the Department of Transportation's (DOT's) Hazardous Materials Regulations. The Administrator is authorized to make recommendations to the Secretary of Transportation concerning the regulations of hazardous waste.

The criteria for identifying and listing hazardous waste, as developed under section 3001 of the Act, will take into account toxicity, persistence, degradability in nature, potential for accumulation in tissue, flammability, corrosiveness, and other hazardous characteristics.

Hazardous wastes defined or listed under Section 3001 may include hazardous materials as defined by DOT or "hazardous substances" as defined by EPA under the Federal Water Pollution Control Act. DOT has designated material as hazardous upon finding that the transportation of a material in commerce may pose an unreasonable risk to health and safety or property (49 CFR 171.8). The criteria and testing methods to evaluate whether or not a material is hazardous are found in 49 CFR 173. The following have been designated as classes of hazardous materials by the Secretary of Transportation: Explosives, Combustible Liquids, Corrosive Materials, Flammable Liquids, Flammable Gases, Nonflammable Gases, Flammable Solids, Organic Peroxides, Oxidizers, Poisons, Irritating Materials, Etiologic Agents, and Radioactive Materials.

Regulations defining hazardous substances under Section 311 of the Federal Water Pollution Control Act are found under 40 CFR 116. The Administrator is required to designate hazardous substances that present an imminent and substantial danger to the public health or welfare when discharged in any quantity into or upon the waters of the United States.

EPA AND DOT COORDINATION

The standards set forth under section 3003 are consistent with standards developed under the Hazardous Materials Transportation Act (49 CFR 100-189).

After lengthy discussions between EPA and DOT, DOT has expressed a strong interest in broadening its Hazardous Materials Regulations to include most or all of EPA's proposed hazardous waste regulations. Depending on DOT's actions, EPA may eventually jointly promulgate with DOT, modify these proposed regulations, or adopt forthcoming DOT regulations. EPA and DOT intend to jointly enforce any DOT regulations governing transportation of hazardous waste.

COMPLIANCE WITH U.S. DOT HAZARDOUS MATERIALS REGULATIONS

According to a recent interpretation by the Office of Hazardous Materials Operations (DOT), any material, including waste, which meets the DOT criteria of a hazardous material must be handled according to DOT regulations.

The Office of Hazardous Materials newsletter of April/May 1977 states:

There have been numerous inquiries to the Office of Hazardous Materials Operations regarding the applicability of the Department's Hazardous Materials Regulations to the Transportation of waste materials. These regulations are structured to apply to any materials that may pose an undue hazard in transportation and, as such, do not differentiate between waste and other than waste materials. If, after processing, a material meets the definition

of a hazardous material, then that material must be classed and shipped in accordance with the requirements prescribed for the hazard associated with the material. Many materials, including those considered waste materials, may have more than one hazard and certain other materials may lose their hazardous characteristics due to processing. A mixture of materials, both waste and other than waste, must be properly evaluated to determine its characteristics, since, after processing, a mixture may become more or less hazardous than it was prior to processing.

The Department's Hazardous Materials Regulations may apply to any material regardless of its end use; the fact that material is considered a waste material does not relieve application of these (DOT) regulations.

DOT's current Hazardous Materials Transportation Regulations only apply to transporters engaged in interstate or foreign commerce and the shippers who use them. However, some intrastate shipments are regulated by States that have adopted the Federal regulations or have similar regulations. In the above cases, the shipper usually is responsible for proper description of the hazardous material, proper labeling, packaging, and placarding.

DOT regulations applicable to transporters are found in the Code of Federal Regulations Title 49, parts 171 (General Information, Regulations, and Definitions); 174 (Carriage by Rail); 175 (Carriage by Aircraft); 176 (Carriage by Vessel); 177 (Carriage by Public Highway). Bulk shipments of hazardous materials by vessel are governed by the following DOT regulations: 46 CFR 30-40 (Tank Vessels); 64 (Marine Portable Tanks); 98 (Bulk Cargos); 148 (Solids in Bulk); and 151 (Unmanned Barges). Each of these standards contains regulations for acceptance of materials for transportation, loading, unloading, handling, storage of hazardous materials, leaking containers, accident/spill reporting requirements, containerization, and detailed requirements for specific classes of hazardous materials.

EPA's proposed regulations require that when a material is both a hazardous waste as defined by EPA and a hazardous material as defined by DOT, the provisions of the U.S. DOT Hazardous Materials Regulations must be complied with for intrastate as well as interstate transportation.

For those hazardous wastes not currently subject to the DOT Hazardous Materials Regulations (primarily toxic materials), EPA recognizes DOT's primary mandate for the development of standards concerning the safety aspects of loading, unloading, and handling of materials in transportation. Since EPA anticipates that DOT will redefine hazardous materials to include all hazardous wastes, EPA has determined that DOT should develop such safety standards.

To the extent that problems are identified by EPA and DOT regarding additional measures needed for safety in transportation for these newly covered wastes, the two Agencies will develop appropriate revisions to the currently anticipated rulemakings. Comments are requested concerning the additional safety measures that may be needed for the safe transportation of these hazardous wastes.

Scope of Regulations

EPA's transportation standards do not apply to every shipment of hazardous waste. They only apply when a manifest is required under regulations to be proposed under Section 3002 of the Act. The manifest is the form used for identifying the quantity, composition, and the origin, routing, and destination of the hazardous waste. A manifest will not be required under Section 3002 for transport on the same premises where the waste is generated, treated, stored, or disposed. In such cases, the waste must be properly labeled, contained, treated, stored, or disposed.

Even though a manifest is not required for certain shipments of hazardous waste, transporters who consolidate shipments of hazardous wastes are required under Section 250.30 to deliver the shipment to a permitted facility. In addition such transporters must comply with the applicable DOT Hazardous Materials Regulations concerning shipping papers, labeling, marking, placarding and transportation (49 CFR 100-189).

Identification Code

Section 250.32 of these regulations will require that every transporter of hazardous waste must furnish information to EPA or an authorized State concerning its hazardous waste transportation activity. Upon submission of this information, the transporter will be issued an identification code. The identification code will in most cases be identical to existing codes assigned to transporters by Federal or State agencies. Generators and shippers of hazardous waste will not be permitted to use transporters who do not have such code. The identification code should not be construed as either a seal of approval by EPA or the issuance of a license or permit.

Recordkeeping

Section 3003 of the Act requires that records be kept concerning hazardous waste transported and its origin and destination. In current transport practice, records are often kept (as required by the State public utility commissions or public service commissions and the Interstate Commerce Commission) in the forms of bills of lading, waybills, or invoices. These documents include the following information: the shipper's name and address; the transporter's name and address; the consignee; the quantity of the material; and a description of the material.

To avoid duplication, EPA has tailored its recordkeeping requirements to the existing shipping papers. The Agency requires that a record be kept indicating the origin and destination of each shipment of the waste, the date of pick-up, quantity of waste transported, a description of the waste and a certification that the waste has been transferred to another transporter or delivered to a permitted facility. In most cases, the record will be a copy of the manifest or "delivery document" with the above information. (EPA uses the term delivery document to refer to all forms of shipping papers which contain the above information.) The transporter is required to retain a copy of this record for a three-year period.

Acceptance of Hazardous Waste For Transport

Under the Hazardous Materials Regulations, a transporter cannot accept a hazardous material for transport unless it is properly described, labeled, packaged, and placarded. EPA has developed similar shipping and acceptance regulations for hazardous wastes. Under regulations to be proposed under section 3002 of the Act, the generator is required to certify that the hazardous waste is properly prepared for transportation.

As a service to the generator, the transporter may prepare a manifest (the generator must sign the certification), label, and package the hazardous waste. However, since the generator is responsible for these functions under Section 3002 of the Act, the generator may arrange with the transporter to privately indemnify the generator against financial loss due to improper performance.

Loading and Stowage for Transportation

For substances which are both hazardous materials under DOT regulations and hazardous wastes under EPA regulations, EPA in Section 250.30 has adopted DOT regulations regarding loading and stowage. These regulations will apply to intrastate as well as to interstate transportation.

Mixing of wastes which results in the generation of gases, explosion, or fire is prohibited by DOT regulations (which are adopted by reference in Section 250.34). If other hazardous wastes from different generators or separate wastes from the same generator are mixed, and the manifest no longer identifies the composition of the waste shipment, the transporter will be considered a generator, and therefore required to comply with the

standards for generators as contained in Subpart B.

Compliance with the Manifest

The manifest system developed under Section 3002 of the Act is intended to track the movement of the hazardous waste from the generator to the ultimate disposal site. A manifest need not accompany the shipment of hazardous waste if information contained on the manifest accompanies it in another form, e.g., a bill of lading or hazardous material shipping paper. Signatures on the manifest or delivery document will certify the transfer of the hazardous waste from the generator to the transporter(s), and finally, acceptance by the hazardous waste management facility.

If the transporter of the waste transfers it to another transporter using a different mode of transportation or, with respect to air and highway, between different transporters using the same mode, the manifest or the delivery document will require the signature of each transporter.

Upon delivery, one copy of the signed manifest or delivery document is retained by the transporter; another copy is forwarded by the hazardous waste management facility to the generator.

Delivery of Hazardous Wastes

The transporter must deliver all hazardous waste to a permitted hazardous waste management facility designated by the generator. If the transporter removes the hazardous waste from the transport vehicle and stores, consolidates or mixes it with another waste, the transporter will be required to comply with standards developed under Sections 3002 and 3004 and receive a permit for the facility from EPA or an authorized State.

Prior to acceptance of the hazardous waste, the transporter should contact the facility designated by the generator to determine its operating hours. Deliveries of hazardous waste to facilities after operating hours should be avoided.

If, for any reason the waste management facility cannot accept the hazardous waste, the transporter should ask the generator whether the hazardous waste shipment should be returned or delivered to an alternative facility. (Under Section 3002 of the Act, EPA intends to allow the generator of the hazardous waste to specify in advance alternative facilities on the manifest.) The transporter should provide advance notice to the alternate facility prior to taking the waste shipment there.

Spills

These regulations provide for the expeditious handling of a spill of a hazardous waste or a hazardous material (which, when spilled, becomes a waste). When a spill requires immediate removal (as determined by EPA, other Federal Agencies, or a State or local authorized official), due to a threat of imminent hazard to human health or the environment, EPA's standards concerning identification codes for transporters, recordkeeping, acceptance of the hazardous wastes, compliance with the manifest, delivery to the designated facility, and placarding and marking of vehicles will be suspended until the spill is cleaned up, rendered non-hazardous, or determined to no longer present an imminent hazard to human health or the environment (as determined by EPA, other Federal Agencies, or a State or local authorized official). When a spill occurs, these proposed standards require the transporter to: (a) telephone the National Response Center (NRC); (b) file a written report on the spill to the DOT using the DOT Hazardous Materials Incident Report; and (c) clean up the spill, or take such action as may be required by Federal, State, or local agencies so that the waste no longer presents a hazard to human health or the environment.

EPA is proposing the use of the existing 24-hour emergency NRC phone number for telephone calls relating to hazardous waste spills. Once the NRC is notified, the appropriate Federal and State agencies will be contacted. (Transporters may also be subject to State telephone notification requirements in the event of a spill.) Every spillage of a hazardous waste during transportation regardless of quantity will require a telephone contact to the NRC.

EPA has adopted 49 CFR 171.16 to govern the written reporting of hazardous waste spills. Title 49 CFR 171.16 requires a transporter of hazardous materials to report in writing within 15 days to the U.S. Department of Transportation each incident (including spills) that occurs during the course of loading, transport, or unloading.

Spill reports are important to allow EPA to evaluate current regulations concerning the handling and packaging of hazardous wastes and monitoring of environmental damage. In filling out the DOT Hazardous Materials Incident Report, the transporter should indicate if the spilled hazardous waste entered a water body, public drinking water supply or groundwaters, destroyed vegetation or wildlife, or produced any other harmful effects on the environment. The transporter should also estimate the total quantity of the material removed from the spill site and describe its final disposition. If it was delivered to a permitted hazardous waste management facility, the permit number should be included. If any residual remains, the quantity should be estimated and the transporter should describe any actions taken to reduce the hazardousness of the waste, including actions required by Federal, State, or local agencies.

Marking of Vehicles

The ICC and DOT currently require motor vehicles involved in the interstate transport of hazardous materials to be marked with the name and home office of the transporter. EPA has adopted this requirement for all hazardous waste transporters whose vehicles require DOT placarding or carry more than 1,000 pounds of hazardous waste. If there is an emergency and the manifest or delivery document is not available, such marking enables the public or emergency response personnel to contact the transporter's home office to determine the contents of the shipment.

Placarding of Vehicles

For hazardous wastes which meet DOT's definition of a hazardous material, EPA has adopted existing DOT placarding requirements. Vehicles containing certain hazardous wastes which are toxic, bioaccumulative, carcinogenic, or may cause genetic change are not now required to be placarded by DOT. EPA is considering recommending to DOT the development of a new placard for such substances. Comments on the need for such a placard are requested.

Permitting Transporters

Several States, public interest groups, waste management representatives, and transporters recommended that a permitting system for transporters of hazardous wastes be developed by EPA. Such a permitting system would serve two purposes: to identify and collect data on hazardous waste transporters, and to enable the permitting agency to revoke the permit in the event of misconduct.

After reviewing the legislative history of the Solid Waste Disposal Act, EPA has found no Congressional intent to authorize it to require a permit system for transporters. Although section 3003 generally calls for promulgating "regulations establishing such standards applicable to transporters of hazardous waste identified or listed under this subtitle, as may be necessary to protect human health and the environment," Section 3005, which sets out the permit requirements, is directed only toward owners and operators of facilities for the treatment, storage, or disposal of hazardous waste, and not toward transporters. Moreover, the States and the Interstate Commerce Commission currently regulate (often by permit)

many transporters of hazardous wastes directly. Therefore, at this time, EPA will not develop an EPA transporter permitting program.

REFERENCES TO SECTION 3002 STANDARDS

In the following proposed standards, references are made to the standards being developed for a manifest system and for labeling practices under section 3002.

Section 250.22 describes standards for the manifest system. The manifest is designed to provide information on the movement of hazardous waste from the point of generation to the designated permitted hazardous waste management facility. To be consistent with DOT requirements for hazardous materials, EPA requirements are similar to the DOT shipping paper requirements. The manifest is envisioned as a shipping document that does not leave commercial channels and takes the basic form of the standard Bill of Lading.

Section 250.26 describes standards for labeling containers of hazardous wastes. Any hazardous waste which is also a DOT hazardous material must be labeled and marked in accordance with the DOT regulations. In addition to the DOT requirements, EPA is considering a marking that will identify the generator and (for individual packages) the manifest number for the shipment of hazardous waste.

A reporting impact analysis is being performed for the substantive environmental regulations to be published under RCRA Subtitle C, Hazardous Waste Management in conjunction with a data processing system feasibility study. These proposed standards will require the transporter, in the event of a spill of hazardous waste, to telephone the NRC and submit a written report to DOT. The written report uses the existing DOT Hazardous Materials Incident Report with supplemental information required. It is anticipated that cost for compliance is minimal. The cost of the report preparation (clerical and management) and phone notification is estimated to be no more than $100 per year per vehicle involved in a spill of hazardous waste.

ECONOMIC AND ENVIRONMENTAL IMPACTS

In accordance with Executive Order 12044 and 11821 as amended by Executive Order 11949, and OMB Circular A-107 and EPA policy as stipulated in 39 FR 37419, October 21, 1974 respectively, analyses of the economic and environmental impacts are being performed for the entirety of Subtitle C, Hazardous Waste Management, and are not completed as yet. However, a separate report on the cost of compliance with section 3003 proposed standards has been prepared. It is anticipated that the cost of compliance is minimal due to the extent of existing ICC, DOT, and State regulations; and the nature of the transport activity, which includes significant loading and unloading times, during which manifest compliance activities can usually be accomplished.

The Draft EIS will be released for public comment 30 days after the last Subtitle C regulation is proposed. Copies of the EIS and the economic analysis will be available for review through the Office of Solid Waste.

Dated: April 21, 1978.

BARBARA BLUM,
Acting Administrator.

Title 40, Code of Federal Regulations, Part 250 would be amended, by adding a Subpart C consisting of §§ 250.30-250.38 as follows:

PART 250—HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Subparts A-B—[Reserved]

Subpart C—Standards Applicable to Transporters of Hazardous Wastes

Sec.
250.30 Scope.
250.31 Definitions.
250.32 Identification code.
250.33 Recordkeeping.
250.34 Acceptance and transport of hazardous waste.
250.35 Compliance with the manifest.
250.36 Delivery of hazardous wastes to a designated permitted facility.
250.37 Spills.
250.38 Placarding/marking of vehicles.

Subparts D-E—[Reserved]

* * * * *

Subpart G—[Reserved]

AUTHORITY: Secs. 2002(a) and 3003, Pub. L. 94-580, 90 Stat. 2804, 2807 (42 U.S.C. 6912, 6923).

§ 250.30 Scope.

(a) These regulations establish standards which apply to any person or Federal agency that transports hazardous waste within the United States which requires a manifest as specified under subpart B of this part or any transporter importing a shipment of hazardous waste from abroad. If a manifest is not required, any person or Federal agency that consolidates for shipment and transports hazardous waste shall deliver the entire quantity of hazardous waste(s) to a facility permitted under subpart E of this part and shall comply with the DOT regulations listed in 250.30(c).

(b) These regulations do not apply to persons or Federal agencies that transport hazardous waste(s) on the site of a hazardous waste generator or permitted hazardous waste management facility.

(c) If hazardous waste identified or listed under subpart A of this part also meets the definition and criteria for hazardous materials of the Department of Transportation (49 CFR 171.8 and 173), the following regulations of the Department of Transportation will apply for both intrastate and interstate transportation: 49 CFR 171, General Information, Regulations, and Definitions; 49 CFR 174, Carriage by Rail; 49 CFR 175, Carriage by Aircraft; 49 CFR 176, Carriage by Vessel; 49 CFR 177, Carriage by Public Highway; 46 CFR 30-40, Tank Vessels; 46 CFR 64, Marine Portable Tanks; 46 CFR 98, Bulk Cargos; 46 CFR 148, Solids in Bulk; and 46 CFR 151, Unmanned Barges.

§ 250.31 Definitions.

For purposes of this part, all terms not herein defined shall take the meaning given them by the Solid Waste Disposal Act (Pub. L. 94-580).

(a) "Delivery document" means a shipping paper (bill of lading, waybill, dangerous cargo manifest, or other shipping document) used in lieu of the orginal manifest to fulfill the recordkeeping requirement of § 250.33.

(b) "Generator" means any person defined as a generator in regulations under subpart B of this part.

(c) "Hazardous material" means a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated under 49 CFR 171.8 and 173.

(d) "Identification code" means the unique code assigned to each transporter of hazardous waste by EPA or an authorized State upon notification in accordance with subpart G of this part or upon compliance with § 250.32 of this subpart.

(e) "Manifest" means the form used for identifying the quantity, composition, and the origin, routing and destination of hazardous waste as specified in regulations under § 250.22, subpart B of this part.

(f) "Mode" means any of the folowing transportation methods: Rail, highway, air, or water.

(g) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in transportation. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails.

(h) "On the site" means on the same or geographically contiguous property. Two or more pieces of property which are geographically contiguous and are divided only by public or private right(s)-of-way are considered a single site.

(i) "Permitted hazardous waste management facility" (or "permitted facility") means a hazardous waste treat-

ment, storage, or disposal facility that has received an EPA permit in accordance with the requirements of subpart E of this part or a permit from an authorized State agency.

(j) "Spill" means any accidental discharge of a hazardous waste onto or into the land or water.

(k) "Transporter" means a person or Federal agency engaged in the transportation of hazardous waste by air, rail, highway, or water.

(l) "Transport vehicle" means a motor vehicle, rail freight car, freight container, cargo tank, portable tank, or vessel (as defined in 49 CFR 171.8) used for the transportation of hazardous waste.

(m) "United States" means the 50 States, District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

§ 250.32 Identification code.

Any transporter who transports or intends to transport hazardous waste within the United States shall comply with §§ 250.822 and 250.823 to obtain an identification code from the Environmental Protection Agency or an authorized State. The identification code issued shall be included on:

(a) The manifest (§ 250.22);

(b) The hazardous materials incident report (§ 250.37); and

(c) The delivery document (§ 250.35(c)).

§ 250.33 Recordkeeping.

Each transporter shall maintain a copy of the manifest or delivery document for a period of not less than 3 years from date of either transfer of the hazardous waste to another transporter or delivery of the hazardous waste to a permitted facility as indicated on the manifest or the delivery document.

§ 250.34 Acceptance and transport of hazardous waste.

(a) A transporter shall not accept from a generator a shipment of hazardous waste without a manifest signed by the generator in accordance with the provisions of § 250.22.

(b) A transporter shall not transport a shipment of hazardous waste from a generator without signing the manifest acknowledging acceptance of the hazardous waste shipment.

(c) If a shipment of hazardous waste is transported by more than one transporter, subsequent transporters shall not accept for transport or transport the hazardous waste shipment without a manifest or shipping document that contains the information on the manifest in accordance with the provisions of § 250.22.

(d) A transporter shall not transport a shipment of hazardous waste in containers not properly labeled or marked in accordance with the provisions of § 250.26:

(1) If the DOT label is lost or detached, the transporter must replace that DOT label in accordance with the provisions of § 250.26.

(2) The DOT replacement label must be based on the information taken from the manifest covering the shipment.

(e) A transporter shall not transport containers which are leaking or appear to be damaged. In the event that leakage develops or is discovered during transportation and the leakage results in a spill, the transporter shall comply with 250.37.

(f) A transporter shall not accept or consolidate hazardous waste(s) consisting of a material or mixture of materials that is prohibited from transportation by 49 CFR 173.21.

§ 250.35 Compliance with the manifest.

(a) Each transporter shall assure that a copy of the manifest or the information contained on the manifest (in the form of, e.g., a hazardous materials shipping paper, bill of lading, waybill) at all times accompanies the shipment of hazardous waste.

(b) If the hazardous waste shipment is transferred between the different modes (air, rail, highway, or water) or between different transporters using the air or highway mode, each transporter and each subsequent transporter shall sign the manifest or delivery document acknowledging acceptance of the shipment before the hazardous waste can be transported.

(c) The delivery document shall:

(1) Contain as a minimum, the following information:

(i) Name, address of transporter;

(ii) Name, address, identification code of generator;

(iii) Name, address, identification code of designated permitted facility;

(iv) Corresponding manifest document number; and

(v) Description and quantity of hazardous waste.

(2) Only be used when the original manifest is not with the shipment of hazardous waste.

(d) The transporter shall, upon delivery of the hazardous waste to the designated permitted facility, obtain the signature of an authorized agent of the permitted facility on the manifest or delivery document certifying delivery.

(1) If a delivery document is used in lieu of the manifest, the transporter shall issue three copies of the delivery docuent to the designated permitted facility for signature. The transporter shall retain one of the signed copies as required by 250.33.

(2) If the transporter cannot acquire immediate certification, the transporter shall:

(i) Indicate on the manifest or delivery document the following:

(A) Time and date of delivery; and

(B) Reason manifest or delivery document could not be certified upon delivery; and

(ii) Acquire certification on the manifest or delivery document by an authorized agent of the permitted facility as soon as possible, but not to exceed 5 working days after delivery of the shipment.

§ 250.36 Delivery of hazardous wastes to a designated permitted facility.

(a) The transporter shall deliver the entire quantity of hazardous waste(s) accepted from a generator or a transporter to a permitted facility designated by the generator on the manifest.

(b) If the transporter removes the hazardous waste from a transport vehicle or aircraft for purposes of blending, mixing, treating, or storing, the blending, mixing, treating, or storing shall be done at a permitted facility.

(c) If hazardous wastes from different generators or separate wastes from the same generator becomes mixed after having been accepted by the transporter, the transporter shall comply with the generator standards under subpart B of this part unless the transporter can demonstrate that the information designated on the manifest(s) under § 250.22 (a) (5), (6) of subpart B of this part still identifies the hazardous waste.

§ 250.37 Spills.

(a) If a spill of hazardous waste requires immediate removal to protect human health or the environment (as determined by EPA, other Federal agencies, or a State or local authorized official), the requirements of this section shall apply in lieu of §§ 250.32, 250.33, 250.34, 250.35, 250.36, and 250.38 of this subpart until the spilled hazardous waste no longer presents an immediate hazard to human health or the environment (as determined by EPA, other Federal agencies, or a State or local authorized official).

(b) In the event of any spill of hazardous waste during transportation, the transporter shall:

(1) Telephone immediately:

(i) The National Response Center, U.S. Coast Guard, toll free, 800-424-8802; or

(ii) The government official predesignated in the applicable regional contingency plan pursuant to 40 CFR 1510 as the on-scene coordinator for the geographic area in which the incident occurs.

(2) Furnish the following information upon notification:

(i) Name of person reporting the spill;

(ii) Name and address of transporter;

(iii) Name and address of generator;

(iv) Phone number where reporter can be contacted;

(v) Date, time, and location of incident, (indicate pollution of land, water, air, or public water supply, if known);

(vi) Type of transport vehicle and mode;

(vii) Type of incident (e.g., fire, breakage, spillage);

(viii) Classification, name, and quantity of hazardous waste involved, to the extent available; and

(ix) The extent of injuries, if any.

(3) File within 15 days a written report in duplicate with the Director, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, on each spill that occurred during the course of transportation. DOT form F 5800.1[1] shall be utilized as a basic reporting document; item A 1.6 shall be filled in as "waste"; item B4 shall include the transporter's identification code. In addition under part H of DOT form 5800.1, the following information shall be included:

(i) If known, location of spill in relation to surface waters, public water supply, groundwater, wildlife habitats, and agricultural production areas;

(ii) Quantity of material removed and disposition of the material; and

(iii) Disposition and quantity of unremoved material.

(c) The transporter shall clean up all the spilled hazardous waste or take such action as may be required by Federal, State, or local agencies so that the spilled hazardous waste no longer presents a hazard to human health or the environment.

§ 250.38 Placarding/marking of vehicles.

(a) A transporter shall not move a transport vehicle containing hazardous waste which is also a DOT hazardous material unless it is placarded in accordance with 49 CFR 172, subpart F. This prohibition applies to both intrastate and interstate transportation.

(b) A transporter shall mark each motor vehicle being operated under its own power for the transportation of hazardous waste if the motor vehicle is required to be placarded or if the motor vehicle contains greater than 1,000 pounds of hazardous waste. The marking shall display the following information:

(1) Name of transporter under whose authority the vehicle is being operated; and

(2) The city or community in which the carrier maintains its principal office or in which the vehicle is customarily based.

(i) The marking must:

(A) Appear on both sides of the vehicle;

(B) Be in letters that contrast sharply in color with the background; and

(C) Be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary.

(ii) The marking may consist of a removable device meeting the above identification requirements.

[FR Doc. 78-11698 Filed 4-27-78; 8:45 am]

[1]DOT form F 5800.1 is filed as part of the original document and available from the Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

Federal register

FRIDAY, APRIL 28, 1978
PART V



DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

■

Horse Protection

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 11]

ANIMAL WELFARE

Horse Protection Regulations

Proposed Regulations under the Horse Protection Act.

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

ACTION: Proposed rule.

SUMMARY: This document proposes new and revised regulations under the Horse Protection Act to prevent the showing, exhibiting, selling or auctioning of sore horses and certain transportation of sore horses in connection therewith at horse shows, horse exhibition, horse sales, and horse auctions as required or authorized by the Horse Protection Act Amendments of 1976, enacted on July 13, 1976, and certain other purposes.

DATE: Comments on or before May 30, 1978.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782. Comments available for inspection at the above address during regular hours of business (8 a.m. to 4:30 p.m.) Monday through Friday (except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8271.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553 that, pursuant to the provisions of the Horse Protection Act of 1970, as amended by the Horse Protection Act amendments of 1976 (Pub. L. 94-360), the Department of Agriculture is proposing to amend Part 11 of Title 9, Code of Federal Regulations to: (1) Amend and add new definitions to § 11.1 of the regulations (9 CFR 11.1) for "Act", "Administrator", "Deputy Administrator", "Veterinary Services", "Area Veterinarian in Charge", "Veterinary Services Show Veterinarian", "Veterinary Services representative", "State", "horse show", "horse exhibition", "Designated Qualified Person", "horse industry organization or association", "lubricant", and "sore"; (2) amend § 11.2 of the regulations (9 CFR 11.2) to identify the permitted equipment, devices, paraphernalia, substances, restrictions on competition, and information required for horses at horse shows, horse exhibitions, horse sales and horse auctions; (3) add a new § 11.3 to the regulations (9 CFR 11.3) to identify the criteria to be applied in enforcing the "Scar Rule" on horses shown, exhibited, sold or auctioned at any horse show, horse exhibition, horse sale and horse auction; (4) to amend § 11.4 of the regulations (9 CFR 11.4) to identify the requirements for the inspection and detection of horses; (5) amend § 11.5 of the regulations (9 CFR 11.5) to incorporate the provisions in present § 11.5 and § 11.23 of the regulations and to require show managers, sponsoring organizations, and exhibitors to allow Veterinary Services representatives, and Designated Qualified Persons specified access to the horse show, horse exhibition, horse sale, or horse auction premises and records; (6) add a new § 11.6 to the regulations (9 CFR 11.6) to require horse shows, horse exhibitions, horse sales and horse auctions to provide Veterinary Services with adequate space and facilities for the inspection of horses; (7) add a new § 11.7 to the regulations (9 CFR 11.7) concerning the certification of Designated Qualified Person (DQP) programs and licensing of DQP's by horse industry organizations or associations for the purpose of detecting and diagnosing soring or to otherwise inspect horses for the purpose of enforcing the Act and regulations; (8) amend § 11.20 of the regulations (9 CFR 11.20) to clarify the responsibilities and liabilities of management of any horse show, horse exhibition, horse sale, or horse auction; (9) amend the recordkeeping requirements in § 11.21 of the regulations (9 CFR 11.21); (10) amend § 11.22 of the regulations (9 CFR 11.22) to require the management of any horse show, horse exhibition, horse sale, or horse auction, and horse industry organizations and associations to provide the Department with or access to certain records and information; (11) delete § 11.23 of the regulations (9 CFR 11.23); (12) amend § 11.24 of the regulations (9 CFR 11.24) to require the management of horse sales, horse auctions, horse shows, and horse exhibitions to report all excused or disqualified horses and the reasons for such actions; (13) amend § 11.40 of the regulations (9 CFR 11.40) to require the shipper, transporter or receiver of horses being shipped, moved, transported, delivered or received where there is reason to believe such horses may be shown, exhibited, sold, or auctioned at any horse show, horse exhibition, horse sale, or horse auction to allow inspection and to assist in any such inspection of said horses and to furnish certain information concerning any such horses; and (14) amend § 11.41 of the regulations (9 CFR 11.41) to require horse industry organizations and associations to report certain information to the Department.

Section 4 of the Horse Protection Act as amended, (15 U.S.C. 1823), requires the Secretary to promulgate regulations establishing the qualification and certification requirements for "Designated Qualified Persons" who are appointed by the management of any horse show, horse exhibition, horse sale, or horse auction to detect and diagnose a horse which is sore or to otherwise inspect horses for the purpose of enforcing this Act. The intent of Congress and the purpose of this provision is to encourage horse industry self-regulatory activity and to allow the management of any horse show, horse exhibition, horse sale, or horse auction to have the benefit of certain limits upon their liability under the Act if they employ any such "Designated Qualified Person" to detect and diagnose soring and to otherwise inpect horses for the purpose of enforcing the Act.

The Horse Protection Act of 1970 did not specifically extend the Department's authority to conduct inspections of horses at horse sales and horse auctions. However, since horses were exhibited at many horse sales and auctions, the Department did conduct inspections at certain horse sales and auctions where horses were exhibited under the 1970 Act. The Horse Protection Act Amendments of 1976 specifically extends the Department's authority to inspect horses at all horse sales and horse auctions regardless of whether horses are exhibited during such sale or auction. It also significantly increased the responsibilities of the management of all horse shows, horse exhibitions, horse sales and horse auctions to prohibit the showing, exhibition, sale, or auction of any horse which is sore. The amendments also significantly expanded the definition of "sore". The 1976 amendments also authorize the Secretary to detain horses for further examination and testing for a period not to exceed 24 hours, and prohibit the failure or refusal to provide the Secretary with adequate facilities in which to conduct inspections or any other activity authorized under the Act.

The Horse Protection Act Amendments of 1976 significantly altered and expanded the Secretary's authority to prevent the showing, exhibiting, sale, or auction of sore horses at horse shows, horse exhibitions, horse sales, and horse auctions and the responsibilities of all persons participating therein. In order to promulgate regulations to conform to the Horse Protection Act Amendments of 1976, the

Department believes it advisable to revise certain definitions in the regulations and to add new definitions to clarify certain terminology used in the proposed regulations.

Therefore, it is proposed that the definitions in § 11.1 of the regulations (9 CFR 11.1) be revised as follows: A new definition of "Secretary" would be added to mean the Secretary of Agriculture or anyone who has heretofore or may hereafter be delegated the authority to act in his stead. The definition for "Administrator" would be amended to mean the Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other official of the Animal and Plant Health Inspection Service, to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead. The definition for "Veterinary Services" would be amended to mean the office of the Animal and Plant Health Inspection Service to which is assigned responsibility for the performance of functions under the Act. The definition for "Deputy Administrator" would be amended to mean the Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, or any other official of Veterinary Services to whom authority has heretofore or to whom authority may hereafter be delegated to act in his stead. The definition of "State" would be amended in conformance with the Horse Protection Act Amendments of 1976 to mean any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. The definition of "Act" would be amended to mean the Horse Protection Act of 1970 (Pub. L. 91-540) as amended by the Horse Protection Act Amendments of 1976 (Pub. L. 94-360), 15 U.S.C. 1821 et seq., and any legislation amendatory thereof. A new definition for "Veterinary Services Show Veterinarian" would be added to mean the Veterinary Services Doctor of Veterinarian Medicine responsible for the immediate supervision and conduct of the Department's activities under the Act at any horse show, horse exhibition, horse sale, or horse auction. A new definition for "Area Veterinarian in Charge" would be added to mean the Veterinary Services veterinarian who is assigned by the Deputy Administrator to supervise and perform official duties of Veterinary Services under the Act in a specified State or States that has been officially designated by Veterinary Services as an "Area." The definition of "Veterinary Services representative" would be amended to mean any employee of Veterinary Services or any officer or employee of any State agency who is authorized by the Deputy Administrator to perform inspections or other functions authorized by the Act, including the inspection of the records of any horse show, horse exhibition, horse sale or horse auction. The definition of "Sponsoring Organization" would be amended to mean any person under whose auspices a horse show, horse exhibition, horse sale, or horse auction is conducted. The definition of "Horse Show" would be amended to mean a public display of any horses, in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides. The definition of "Horse Exhibition" would be amended to mean a public display of any horses, singly or in groups, but not in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides. A new definition of "Horse Sale" or "Horse Auction" would be added to mean any event, public or private, at which horses are sold or auctioned, regardless of whether on not said horses are exhibited prior to or during the sale or auction. The definition of "boot" would be deleted and a new definition of "Action Device" would be added to mean any boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse. The definition of "inspection" would be amended to mean the examination of a horse and any records pertaining to a horse by use of whatever means are deemed appropriate and necessary to determine whether any horse and any records pertaining to any horse are in compliance with the Act and regulations. The inspection may include, but is not limited to, visual examination of the horse and its record; actual physical examination including touching, rubbing, palpating, and observation of vital signs, and the use of any diagnostic device or instrument; and the removal of any shoe, pad, action device, or any other equipment, substance or paraphernalia from the horse which deemed necessary by the person conducting such inspection for purposes of determining compliance with the Act and regulations. The definition of "Show Manger" would be amended to mean the person who has been delegated primary authority by a sponsoring organization for managing a horse show, horse exhibition, horse sale or horse acution. A definition of "Management" would be added to mean any person or persons who organizes, exercises control over or administers, or are responsible for organizing, directing or administering any horse show, horse exhibition, horse sale, or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager. The definition of "exhibitor" would be amended to mean (1) any person who enters any horse, or who allows his horse to be entered, or who directs or allows any horse in his custody or under his direction, control, or supervision to be entered in any horse show or horse exhibition; (2) any person who shows or exhibits any horse, or who allows his horse to be shown or exhibited, or who directs or allows any horse in his custody or under his direction, control, or supervision to be shown or exhibited in any horse show or horse exhibition; (3) any person who enters or presents any horse for sale or auction, or allows his horse to be entered or presented for sale or auction, or who allows any horse in his custody or under his direction, control, or supervision to be entered or presented for sale or acution at any horse sale or horse acution; or (4) any person who sells or auctions any horse, or who allows his horse to be sold or auctioned, or who directs or allows any horse in his custody or under his direction, control, or supervision to be sold or acutioned. A new definition of "Designated Qualified Person" would be added to mean a person meeting the requirements specified in § 11.7(a) of the regulations that has been appointed and delegated authority by the management of any horse show, horse exhibition, horse sale or horse auction under Section 4 of the Act to inspect horses and who is qualified to detect and diagnose sore horses and otherwise inspect horses for compliance with the Act.

A new definition of "horse industry organization or association" would be added to mean an organized group of people engaged in any way with the horse breeds by promoting, registering, showing, exhibiting, selling or auctioning of horses. A new definition for "Lubricant" would be added to mean mineral oil, glycerine, or petrolatum, or a mixture exclusively thereof, that is applied to the limbs of a horse solely for protection and lubricating purposes while the horse is being shown or exhibited at a horse show, horse exhibition, horse sale or horse auction. The definition of "Commerce" would be deleted because the Horse Protection Act Amendments of 1976 are applicable to all horse shows, horse exhibitions, horse sales or horse auctions whether or not any horse was moved in commerce to such show, exhibition, sale or auction. The term "sored horse" would be deleted, and the term "sore" would be included in the definition in its place. The definition of the term "sore" would be the same as the definition of that term in Section 2 of the Horse Protection Act Amendments of 1976.

Because most of the definitions in the regulations have been revised or deleted and new ones added in light of the Horse Protection Act Amendments of 1976, all the regulations are being set forth for republication in a logical order.

The Department has devoted considerable time and effort during the past 4 years to working cooperatively with the horse industry and humane organizations in an effort to determine whether certain exhibiting practices and various training methods and devices used on horses have an abusive or other soring related adverse effect on the legs of such horses. A total of 4 test clinics have been conducted to study the diverse methods and practices used in training horses and to evaluate the effect of various "action devices" when they are used daily on a horse's leg under actual show and training conditions. In addition to test clinics, approximately 20 meetings have been held with various horse industry organizations, at their request, to discuss the present regulations and to provide them with the opportunity to relate their concerns about the possible effects of the 1976 Amendments to the Horse Protection Act on the horse industry. On September 21, 1976, the Department published in the FEDERAL REGISTER (41 FR 41125) a notice of a public meeting to be held to obtain views, comments, arguments, and other input from the public in order to propose reasonable and effective regulations relating to Designated Qualified Persons, Recordkeeping and Reporting Requirements, Detention and Seizure, and Action Device and Equipment changes. This meeting was held October 14, 1976, in College Park, Md., and was attended by representatives of humane organizations, horse breed and horse registry organizations, horse training organizations, horse show organizations, horse exhibitors, and interested members of the general public.

Comments voiced at the public meeting, as well as written comments received later as a result of the meeting, indicated considerable apprehension within the horse show industry relative to the possible promulgation of proposed regulations that could adversely effect, economically and operationally, their ability to conduct a successful horse show. The main concerns voiced were that burdensome reporting and recordkeeping requirements not be imposed and that inspection facilities and other inspection related costs not be made prohibitive. The representatives from the horse training organizations and certain horse exhibitors expressed concern about the prohibitions placed on trainers and exhibitors under the present regulations and requested that the proposed regulations be made more flexible by allowing the use of additional "action" equipment and by adjusting the "heel-toe" measurement.

Throughout the present regulations, the term "sored" is used wherever reference is made to soring as that term was used in the Horse Protection Act of 1970. The Horse Protection Act Amendments of 1976 changed the term "sored" to "sore" as well as amending the definition of that term. Therefore, the term "sore" will be used in lieu of the term "sored" in all of the proposed regulations. Section 11.2 of the present regulations specifically identifies the prohibitions placed upon the exhibitors who show or exhibit any horse at any horse show or horse exhibition. In summary, the present regulations prohibit: (1) the showing or exhibiting, in any horse show or horse exhibition, or entering for the purpose of showing or exhibiting, any horse which is sore; (2) the use of any chain, boot or other method or device on a horse at any horse show or horse exhibition if such chain, boot or other method or device causes the horse to be sore; (3) the use of all non-boot devices on a horse for the purposes of affecting said horse's gait, except single link chains weighing 10 ounces or less each including the weight of the fastener, and lignum vitae or aluminum rollers weighing less than 14 ounces each including the weight of the fastener; and, (4) the use of all substances on the limbs of a horse, above the hoof and below the fetlock, except glycerine, petrolatum or mineral oil, or mixtures thereof.

Proposed § 11.2 of the regulations would delete paragraph (a) of the present regulations because the language of the 1976 Amendments to the Horse Protection Act specifically prohibits the showing, exhibiting, or entering for the purpose of showing or exhibiting at any horse show or horse exhibition, or selling or auctioning or offering for sale or auction at any horse sale or auction any horse that is sore. Consequently, the Department feels it would be redundant to repeat such prohibitions in the regulations. The proposed § 11.2 of the regulations would add the words "roller, collar, nor any other method, device or substance" for the purpose of more specifically identifying the devices, methods or substances that are prohibited if such devices, methods or substances cause a horse to be sore. In addition, throughout § 11.2, the words "horse sale or horse auction" would be inserted in addition to "horse show or horse exhibition" in order to bring the regulations into compliance with the provisions in the 1976 Amendments to the Horse Protection Act that apply to horse sales and horse auctions.

The Department proposes to allow the use of stainless steel rollers on the legs of horses in addition to aluminum and lignum vitae rollers if such rollers weigh no more than 14 ounces each including the weight of the fastener and such rollers are of uniform size, weight and configuration. The Department proposes this change because evidence gathered at three test clinics, where stainless steel rollers and other action devices were used on the legs of horses under actual training conditions, showed that properly used stainless steel rollers as well as aluminum and lignum vitae rollers do not harm a horse if they are of uniform size, weight and configuration. The evidence and information gained at the aforementioned clinics also provides the basis for the Department's proposal to: (1) Limit the weight of chains used on 2 year old horses to 8 ounces each including the weight of the fastener; (2) limit the weight of chains used on the legs of 3 year old horses to 10 ounces each, including the weight of the fastener; (3) limit the weight of chains used on horses 4 years old and older to 12 ounces each including the weight of the fastener; (4) require all links in chains used on a horse's legs to be of uniform size, weight and configuration; (5) prohibit the use of twisted link chains and chains with drop links on the legs of horses; (6) prohibit the use of more than one chain, roller, boot or other action device on any one limb of a horse; (7) require that all chains and rollers be smooth and free of protrusions, projections, rust, corrosion, or rough or sharp edges; (8) requre that all boots, collars, and any other devices be free of protrusions, swellings, or rigid, rough or sharp edges, seams, or other abrasive or abusive surfaces that may contact a horse's leg; (9) prohibit chains, rollers, beads, bangles, collar devices, boots, or any other action device from being placed on a horse's leg in a manner that will allow such device to strike the coronet band of a horse's foot while such horse is in motion or at rest; (10) prohibit the use of "rocker bars" on the bottom surface of horse shoes if the posterior part of such rocker bar extends more than 1½ inch behind the point of the toe; and (11) require that metal hoof bands, used to strengthen pads and horseshoes, be placed no closer than ½ inch below the coronet band and that any such metal hoof band be fastened with a permament fastener.

The aforementioned clinics provided evidence that considerable care must be exercised in order not to damaged the hair and skin on the legs of 2 year old horses and certain 3 year old horses while such horses are being exercised and trained using various types of equipment and action devices. The hair and skin of an average 2 year old horse is considerably more tender than an older horse due to its young age and the fact that it has not experienced the extensive physical conditioning that older horses have received. Evidence obtained at the clinics also revealed that 12 ounce chains, including the weight of the fastener, do not harm most horses 4 years old or older if they are used properly and the

horse is properly conditioned. Three year old horses are better conditioned than a 2 year old horse and their skin has naturally become thicker and more resistant to injury, however, their skin is still not as resistant to injury as the skin of a more mature animal. Consequently, the Department proposes to limit the weight of chains used on 2 year old horses to 8 ounces each, including the weight of the fastener; 10 ounces each, including the weight of the fastener, on 3 year old horses; and to 12 ounces, including the weight of the fastener, on 4 year old and older horses.

The present regulations require that all chains have links that are of uniform size. The proposed regulations would add the requirement that all links have the same configuration and would place an absolute prohibition against the use of chains with double links, twisted links, and chains with "drop" links. This proposal is made because repeated tests using "odd" link, double link, and twisted link chains showed that such chains actually "grab" the hair on a horses leg and either break the hair or pull it out by the roots, depriving the horse of protection from pain and trauma. The tests also showed that chains with "drop links" are particularly harmful because the hanging drop link repeately strikes the tender coronet band of the foot when the horse is in motion, causing the horse to suffer pain. The test clinics also provided evidence that the use of more than one action device on the leg of a horse resulted in traumatic damage to the hair, skin, and coronet band, particularly when the horse is in motion. When more than one action device is used, the hair, skin, and coronet band is subjected to two different types of friction and intermittent contact between the devices and the horse's leg, causing pain, distress, inflammation, or lameness when a horse is walking, trotting or otherwise moving.

The present regulations prohibit the use of any action device, boot, collar, roller, or any other device that has seams, protrusions, projections, rough, rigid or sharp edges, swellings, rust, corrosion, or any other abrasive or abusive surface that may contact a horses leg when such horse is at rest or in motion. The proposed regulations would retain these proghibitions.

APHIS officials have expressed concern in the past to the horse industry relative to the excessive amount of stress placed upon the tendons of yearling horses when lead weights are attached to horseshoes or pads and when the angle of the foot is substantially altered by building up the foot and the heel with thick leather pads. This excessive tendon stress has repeately been demonstrated and documented by APHIS veterinarians through the use of infrared thermography. The infrared heat detection instrument, known as thermovision, used by APHIS veterinarians to aid in the detection of soring, has been used on yearling horses shown at halter as well as mature horses shown under saddle. the majority of show yearlings with built-up and weighted feet that were viewed with thermovision showed evidence of considerable inflammation in the deep and superficial flexor tendons. Yearlings with natural and unshod feet do not show such inflammation. Consequently, the Department proposes to limit the artificial elevation of a yearling horse's foot by prohibiting the use of pads between the foot and the shoe which exceed a thickness of 1 inch at the heel of the foot. The Department further proposes to restrict the amount of weight on a yearling horse's foot by limiting the weight of the horseshoe to 16 ounces and prohibiting the use of supplementary weights attached to the shoe or foot. These proposals are made to protect yearling horses from permanent tendon and ligament damage which causes such horses to suffer pain when walking, trotting or otherwise moving. The care given to the tendons and ligaments of a yearling horse will ultimately determine whether or not such horse is "leg sound" at maturity.

The present regulations require that the toe measurement of a horse's hoof be at least 1 inch longer than the heel measurement, when such toe measurement is made from the coronet band at the center of the front pastern along the hoof wall to the ground. The heel is measured from the coronet band, at the most lateral part of the rear pastern, at a 90 degree angle to the ground, at the rear of the shoe. This regulation has resulted in numerous complaints from the horse industry, particularly in the past 2 years, because the industry claims that the "natural foot" (unshod) of many horses does not measure one inch longer at the toe than at the heel. Due to these complaints, APHIS officials made a conscientious effort to determine the validity of the industry claim. Many unshod horses, weanlings, yearlings and mature horses, were observed and examined to evaluate the normal "heel-toe" relationship.

This study provided conclusive evidence that the "normal" was greatly influenced by the hereditary characteristics evidenced by different blood lines. Certain blood lines have a long pastern with a pronounced angle of the foot resulting in a long toe. Other blood lines have much shorter pasterns with a much less pronounced foot angle, resulting in a much shorter toe length. In fact, many horses, while standing on a natural unshod foot, do not have a toe length that exceeds the height of the heel by 1 inch or more. Therefore, the Department proposes to reduce the toe length by ½ inch and require that the length of the toe must exceed the height of the heel by ½ inch, excluding normal caulks (not exceeding ¾ inch in length) at the rear of the shoe. Caulks are put on horseshoes to provide traction much like the cleats on a football shoe. Knowledgeable horsemen and expert professional farriers have advised the Department that a normal caulk should not exceed ¾ inch. in length. Consequently, the Department proposes to limit the length of a horseshoe caulk to ¾ inches. That portion of a caulk at the rear of a horseshoe in excess of ¾ of an inch shall be added to the height of the heel in determining the heel-toe ratio.

Due to the present "heel-toe" requirement that the toe be 1 inch longer than the height of the heel, many horsemen and farriers have attempted to circumvent this regulation by adding artificial extensions to the toe. This has been accomplished by unorthodox shoeing, building a false hoof wall with acrylics and other compounds, etc., with the express purpose of obtaining a longer toe length. Consequently, since the Department proposes to reduce the toe length by ½ inch thereby solving the problem that precipitated the artifical toe extension, the Department further proposes to prohibit the artificial extension of toe lengths unless such extension is therapeutically necessary to repair a broken hoof. In carrying out inspection procedures on thousands of horses, APHIS veterinarians have occasionally observed horses that are shod in such an unorthodox manner that, as a consequence, the horse has difficulty keeping its balance when standing or walking on a hard surface. The most common unorthodox shoeing practice is the use of unconventional "rocker bars" on the horseshoes. "Rocker bars" (metal bars extending from one side of the horseshoe to the other and extending downward) serve a useful purpose when placed near the toe, in that they cause a horse to "break-over" (lift the feet more quickly) faster. However, the bars observed by APHIS veterinarians that cause the Department concern are those bars that are located in the center (midway between toe and heel) of the horseshoe. The Department knows of no legitimate or useful purpose for a rocker bar located in the center of a horseshoe. Conversely, the center located rocker bar can result in injury to a horse because it prohibits the animal from firmly planting its feet. When standing on a hard surface, a horse wearing a horseshoe with a center rocker will "teeter" back and forth, trying to keep its balance. This imbalance can result both in possible

tendon damage due to the placing of abnormal tension on ligaments and tendons and in bone damage due to falls precipitated by the sheer difficulty in standing or moving. Consequently, in an effort to preclude possible injury to horses, the Department proposes to prohibit the use of "rocker bars" if the most posterior part of such bars extend more than 1½ inches posterior from the point of the toe.

It is quite common, particularly within the Tennessee Walking Horse Industry, for pads and shoes to be secured by means of a metal band across the front of the hoof. The metal band is fastened to the shoe and pads on one side, brought across the front of the hoof, and fastened to the shoe and pads on the other side with a nut and bolt or a winged nut fastener. The Department has no objection to such bands if they are attached in such a manner that the metal band rests at least ½ inch below the coronet band and if they are not tightened sufficiently to compress the hoof and thereby exert painful pressure on the hoof wall. If the band is placed too close to the coronet band, it will not only cause pain, because the coronet band is made of soft tissue, it can also possibly seriously impair the blood supply to the hoof. The coronet band is very vascular and is the primary blood supply source for the hoof. For these reasons, the Department proposes to prohibit the use of metal hoof bands unless they are placed ½ inch or more below the coronet band. The Department further proposes to prohibit the use of non-permanent fasterners on hoof bands. This prohibition will prevent unscrupulous horsemen from deliberately tightening hoof bands immediately prior to competition for the purpose of creating sufficient pain to cause the horse to quickly pick up its feet, thereby enhancing or improving the performance of such a horse.

The Horse Protection Act Amendments of 1976 specifically prohibit any practice involving the limb of a horse that results in the horse suffering, or can reasonably be expected to result in the horse suffering pain, distress, inflammation, or lameness when walking, trotting, or otherwise moving. Consequently, the Department proposes to prohibit the shoeing or trimming of a horse's hoof in a manner that will cause such horse to suffer pain, distress, or inflammation when walking, trotting, or otherwise moving. Department officials believe this prohibition is necessary to protect horses from unscrupulous horsemen and farriers who engage in practices such as, but not limited to, placing a pressure wedge between the shoe pad and the frog; deliberately trimming the hoof without properly trimming the sole, thereby causing the sole to act as a pressure plate; placing a tack or screw in the shoe pad in such a manner that it will slightly penetrate the frog of the horse's foot; and, deliberately "quicking" the hoof of a horse with the horseshoe nails.

The Department recognizes and accepts the fact that lead or other weights must sometimes be added to horseshoes for the purpose of "balancing" a horse. Some horses will step or reach higher with one foot than with the other. The proper use of weights corrects this problem much like the proper use of lead or other weights will balance an automobile tire. Such weights are traditionally place under the foot by attaching them to the horseshoe or to the pad between the shoe and the hoof. However, certain horsemen have added weights considerably in excess of "balancing" weights for the purpose of forcing a horse to alter its normal gait. This practice can possibly cause serious damage to the horse by putting too much stress on the horse's tendons. In many such cases, sufficient weights cannot be added under the hoof because there is not enough space, therefore, weights are added on the side, toe, and heel areas of the hoof and shoe. For the purpose of protecting horses from pain, distress, and possible damage to the tendons, the Department proposes to limit the use of excessive weights by prohibiting the attachment of weights to the outside of the hoof pad wall or on the outside surface of the horseshoe.

The present regulations prohibit the use of any substance except glycerine, petrolatum, and mineral oil, or mixture thereof, on the legs of a horse above the hoof and below the fetlock while such horse is being shown or exhibited at any horse show or horse exhibition. At the time the present regulations were written, foreign substances, such as corrosive chemicals, dyes, grease etc., were used primarily on the pastern area of a horse's leg. Consequently, the prohibitions related to substances were limited to the area below the fetlock joint. However, this is no longer the case. APHIS inspectors have repeatedly detected the presence of substances or evidence of the use of substances on all parts of the leg while conducting thousands of physical and thermographic examination on horses at numerous horse shows, horse exhibitions, horse sales and horse auctions. The "evidence of the use of substances" referred to in the preceding sentence consists of evidence detected by the Department's infrared thermovision instrument. This instrument is capable of detecting and measuring the amount of heat (infrared emissions) given off by the living tissue in a horse's leg. When corrosive or other types of chemical preparations that are capable of causing tissue irritation are used on a horse's leg, the thermovision instrument will detect and record on film the amount of abnormal heat produced by the inflammation resulting from the use of the chemical. Also, certain instances have been documented where substances capable of blocking infrared (heat) emissions have been used on a horse's leg in an effort to "beat" the thermovision instrument. Because of evidence observed and documented by APHIS veterinarians, the Department proposes to prohibit the use of all substances, except glycerine, petrolatum, mineral oil, or mixtures thereof, on any part of the forelimb or hindlimb of a horse while such horse is being shown, exhibited, sold or auctioned, or offered or presented for show, exhibition, sale or auction at any horse show, horse exhibition, horse sale or horse auction.

Department officials have become increasingly alarmed about the degree and high incidence of tendonitis in 2-year-old horses reported by APHIS veterinarians conducting physical and thermograhic inspections of horses at horse shows, horse exhibitions, horse sales and horse auctions. Knowledgeable people within the horse industry, as well as APHIS veterinarians and private veterinary practitioners, attribute this high incidence of tendonitis to the use of exessive amounts of weight in the shoe and pad (as described previously concerning lead or other type weights), and to the length of time that young horses are worked during a horse show, horse exhibition, horse sale or horse auction. In fact, APHIS veterinarians have repeatedly observed 2-year-olds exhibiting the signs and symptoms of complete exhaustion after being worked in show classes that lasted 30–45 minutes. In addition, virtually all of these horses exhibited evidence of moderate to severe tendonitis when scanned with the infrared thermovision instrument. Consequently, the Department proposes to limit the length of time a 2-year-old horse can be ridden in a workout, at any horse show, horse exhibition, horse sale or horse auction, to 10 minutes per workout. Further, the Department proposes to require a minimum 5-minute rest period between workouts and to limit the number of workouts to two per show class.

The Horse Protection Act Amendments of 1976 provides authority for the Secretary to promulgate regulations to require any person who owns, trains, shows, exhibits or sells, or has custody of or control over any horse that has been shown, exhibited, sold or auctioned, or offered for the purpose of being shown, exhibited, sold or auctioned at any horse show, horse exhibition, horse sale or horse auction, to provide accurate information relating to any such horse upon the request of a Department representative.

For the purpose of enforcing the provision of the Act, the Department proposes to amend the regulations to require all persons having custody of, direction, or control over the showing, exhibiting, selling or auctioning of any horse or entering any horse for the purpose of selling, exhibiting, sale or auction at any horse show, horse exhibition, horse sale or horse auction, to provide any Veterinary Services representative with accurate information concerning said horse. Such information would include, but not be limited to, details such as the registered name; age; sex; markings; legal ownership of a horse; name and address of the training or stabling facilities; name and address of the owner, trainer, exhibitor, or other legal entity bearing responsibility for the horse; class or sale in which the horse is entered or offered for sale; exhibitor identification number; and any other information reasonably related to the identification, ownership, control, direction, or supervision of any horse. All of the information proposed to be required is necessary not only for inspection enforcement but is vital in order to prosecute the appropriate alleged violators and thereby effectuate the purposes of the Act.

When the Horse Protection regulations were revised in August 1976, the entire Section 11.3 was deleted because the restrictions contained in Section 11.3 were no longer applicable. The Department now proposes to add a new Section 11.3 to identify and clarify the criteria proposd to be applied in enforcing the "scar rule" for horses shown, exhibited, sold or auctioned at any horse show, horse exhibition, horse sale or horse auction. The "scar rule" refers to the bilateral scarring and/or loss of hair on a horse's leg which can reasonably be identified with the practice of "soring." The word "reasonably" is used because in most instances, in order to be effective, "soring" must be accomplished in an approximately equal degree on approximately the same area of each leg. Consequently, if loss of hair and granulation tissue is visually evident in the same approximate degree and in the same approximate area on each leg, it can reasonably be assured that such horse has been and is sore from the use of chemicals and/or abusive action devices.

The organized Tennessee Walking Horse industry has utilized a "scar rule" in its internal self-policing program since the beginning of the 1974 show season. This "scar rule" was cooperatively developed by representatives of the horse industry and the Department and was applied to 2 year old horse's in 1974; to 2 and 3 year old horse's in 1975; to 2, 3, and 4 year old horse's in 1976; and to 2, 3, 4, and 5 year old horse's in 1977. As a result of this program, most Tennessee Walking Horses 5 years old and younger do not bear the scars, granulomas, and callouses indicative of soring that are often found on older horses. Consequently, the Department proposes to adopt definitive criteria for application of a "scar rule". Since scarring, which is indicative of soring, can result in the prosecution of the owner, trainer, exhibitor, or other legal entity having supervision, direction, or responsibility for the care of a horse, and because such scarring can result in a horse being disqualified from competition in a horse show or horse exhibition and from being sold at a horse sale or horse auction, the Department believes it will benefit all concerned parties by adopting and enforcing a national uniform criteria for applying the "scar rule". The proposed "scar rule" allows for normal changes in the skin that are due to friction. These changes would allow thickening of the epithelial layer of the skin in the pastern area (much like a callous on a workman's hands) and the moderate loss of hair in the pastern area caused by the friction generated by an action device. The "scar rule" would not allow bilateral granulomas, other bilateral pathological evidence of inflammation, or excessive hair loss on the anterior and anterior-lateral surface of the fore pasterns, and would prohibit all proliferating granulation tissue or other evidence of tissue inflammation. The proposed "scar rule" is not intended to, and will not, penalize a horse that bears a scar or scars resulting from accidental injury. The safeguard against such an interpretation lies in the word "bilateral." The chances are extremely remote that any horse would ever injure both forelegs in an identical manner with resulting identical scars in the anterior or posterior pastern area of each foreleg.

Section 6 of the 1976 Act provides the Secretary with the authority to detain (for a period not to exceed 24 hours) for further examination, testing, or taking of evidence any horse which is sore or which the Secretary has probable cause to believe is sore at any horse show, horse exhibition, horse sale or horse auction. The Department believes this authority for detention of horses is vital to its enforcement program because highly sophisticated soring techniques and devious techniques for "masking" soring have evolved since the original 1970 Act became law. Evidence of soring is no longer highly visible to the naked eye and detection of soring has not only become more difficult, but it also requires a more detailed physical examination and often requires the use of sophisticated scientific instruments, especially after a sore horse has been worked, as in a horse show or horse exhibition, because certain soring symptoms will disappear after a horse is "warmed-up". However, the cardinal symptoms of soring, especially, stiffness, reluctance to move, pain, and distress, will reappear after the horse has cooled off and is allowed to stand in the stall. Therefore, in order to effetively enforce the Act, the Department proposes to adopt regulations, pursuant to the Act, concerning the detention of horses suspected of being sore for a period not to exceed 24 hours. Under the proposed regulations, detained horses would be under the constant supervision of a Veterinary Services representative or would be secured with an official Department seal or seals in a horse stall or other facility to which access is limited. Under the proposal, detained horses would receive normal care such as feeding, watering, veterinary care, etc., under the supervision of a Veterinary Services representative. Horses detained under an official Department seal could not be removed and the seal or seals could not be broken by anyone other than a Veterinary Services representative, unless such horse is in need of such immediate veterinary attention that its life may be in peril or its life is endangered by fire, flood, windstorm, or other dire circumstances beyond human control and a Veterinary Services employee is not immediately available. The Department believes the proposed regulations are reasonable in that provisions are made for emergency situations that may occur while a horse is detained, while at the same time providing the security necessary to support the presumptin that nothing else has been done to the horse while under such detention. Such precautions are necessary to preserve the integrity of the Federal enforcement program. In addition, the proposal contains provisions for the owner, trainer, exhibitor, or other person having custody of any horse allegedly found to be in violation of the Act, to request that said horse be detained and re-examined within a 24 hour period, provided such request is made to the Veterinary Services Veterinarian in Charge imediately after the horse has been examined by Veterinary Services personnel and prior to the animal being removed from the Veterinary Services inspection area. If the Veterinary Services Veterinarian in Charge determines that sufficient cause for re-examination exists and Veterinary Services personnel are available to conduct said re-examination, the horse must be placed in the supervisory custody of Veterinary Services personnel until such re-examination has been completed. This proposal will provide members of the horse industry with the same reinspection prerogative that Veterinary Services representatives are allowed under the Act.

The 1976 Amendments authorize the Secretary to promulgate regulations relative to the inspection of any horse show, horse exhibition, horse sale, or horse auction, and any horse shown, exhibited sold or auctioned or entered for show, exhibition, sale, or auction at any horse show, horse exhibition, horse sale or horse auction. The present regulations address certain Department authorities as related to the inspection of horses at shows and exhibitions only and provide show management with limited opportunities or alternatives to take actions for assuring compliance with the Act. The present regulations provide authority for the show management to delegate, to a licensed veterinarian only, the authority for obtaining compliance with the Act. Further, the present regulations are not specific concerning (1) the places, times, or occasions that horses are subject to inspection by a Veterinary Services representative or an authorized representative of show management; (2) the method or methods that may be utilized by Veterinary Services representatives in selecting specific horses for examination; (3) and, the requirements expected of show management, owners, trainers, exhibitors, or any other person having custody, supervision, or control over any horse as related to the required accessibility of any horse shown, exhibited, sold or auctioned, or entered for the purpose of being shown, exhibited, sold or auctioned at any horse show, horse exhibition, horse sale or horse auction.

The Department proposes to require that any horse be made available for inspection upon the request of any Veterinary Services representative and any designated qualified person appointed by management. The proposal would allow the inspection of any horse stabled or loaded on trailers and any horse being exercised or prepared for show, exhibition, sale or auction, or otherwise on the grounds of, or at any horse show, horse exhibition, horse sale or auction, either before or after such horse has been shown, exhibited, sold, or auctioned. The Department believes such authority is necessary because soring practices are committed while horses are stabled or being prepared for show, exhibition, sale, or auction, and because sored horses are sometimes loaded on trailers and removed from the official show, exhibition, sale, or auction grounds when persons owning or having custody, control, or supervision over such horses become aware that Veterinary Services representatives are present at a horse show, horse exhibition, horse sale, or horse auction. The proposal would also allow show management to designate a Designated Qualified Person (DQP) person other than a Doctor of Veterinary Medicine to inspect horses for compliance with the Act and thereby delegate the responsibility placed upon show management by the Act for identifying any sore horses at any horse show, horse exhibition, horse sale or horse auction. The proposal would also make it mandatory for management or a DQP appointed by management to physically inspect every first place horse in every gaited class of any horse show. Other horses selected for inspection by a Veterinary Services or show management representative may be selected by any method, whether it be by random selection, preselection, or otherwise. Further, the proposal would prohibit any horse owner, trainer, exhibitor, or other person having custody of, supervision, or control over any horse selected for inspection by a Veterinary Services representative, management, or a DQP appointed by management from removing such horse from the horse show, exhibition, sale or auction grounds until such horse has been examined and released by a Veterinary Services representative, management, or a DQP appointed by management, as the case may be. The Department believes such regulations are necessary for effective enforcement of the Act and for show management to meet their responsibilities under section 5 of the Act. The proposed regulations relating to "Access to Premises and Records" are substantially the same as the present regulations. This Section requires that owners, exhibitors, trainers, or other persons having custody of a horse at any horse show, horse exhibition, horse sale, or horse auction, and also the management of any horse show, horse exhibition, horse sale, or horse auction, provide unlimited access to Veterinary Services representatives and DQP's appointed by management without fee, charge, assessment, or other compensation, to any and all areas (including adjacent areas) of a horse show, horse exhibition, horse sale, or horse auction, for the purposes of the inspection of horses and the examination of horse show, horse exhibition, horse sale, or horse auction records, as provided by the Act. Further, the proposal would require show management to provide Veterinary Services representatives and DQP's appointed by management with adequate, safe, and accessible areas for conducting visual and physical examinations of horses. Adequate and effective enforcement of the Act requires that Veterinary Services representatives and DQP's appointed by management have unlimited access to all premises, grounds, and facilities of any horse show, horse exhibition, horse sale or horse auction. Also, adequate and effective inspection of horses requires a safe, adequate, and accessible space in which inspection duties may be performed without endangering other persons, property, or the horses being inspected.

The Department feels that unnecessarily burdensome requirements should not be placed upon the horse industry. However, the Department believes that Veterinary Services representatives and DQP's appointed by management must be provided with minimal space, facilities, and safety standards if said representatives are to be expected to perform their inspection duties in a satisfactory manner.

Crowd control is a vital necessity because of the presence of too many people in the inspection area creates a safety hazard and also impedes the ability of Veterinary Services representatives to perform required inspection duties. A power source is also vital because Veterinary Services representatives must have adequate lighting in non-daylight hours in order to observe the movement of horses and to conduct visual and physical inspections of horses. Protection from the elements of nature is also important since adverse weather conditions would obviously interfere with proper and adequate inspection. Further, protection from the "crush of the crowd" and the elements and an adequate power supply are an absolute necessity when the Department's infrared thermovision instrument is being utilized.

Therefore, the Department proposes to require that management of all horse shows, horse exhibitions, horse sales and horse auctions provide or make prior plans for providing, if necessary, an adequate, safe, and accessible space, and facilities for Veterinary Services representatives to perform their inspection duties whether or not management knows or has reason to believe that the Department will inspect horses at such show, horse exhibition, horse sale or horse auction. This requirement is necessary so that Veterinary Services will not have to give advance notice to anyone concerning their intention to inspect any horse show, horse exhibition, horse sale, or horse auction in order to be assured that adequate and safe facilities for inspecting horses will be available when they arrive. If the management has already reserved an adequate inspection area or has made prior plans and has a predesignated inspection area that can be made readily available, Veterinary Services will be able to make surprise inspections and thereby more effectively and efficiently utilize available manpower and funds to obtain maximum compliance with the Act. Surprise inspections are vital to effective enforcement, as past experience has proven that known violators will avoid shows where the word has gotten out that Veterinary Services will inspect the show. In the past, it has been necessary for Veteri-

nary Services to give management prior notice in order to assure that an adequate electrical power source be available for using the thermovision instrument. The proposal would require that such space and facilities shall (1) Provide protection from the elements of nature; (2) Provide means for ensuring crowd control; (3) Provide access to an electrical power source producing a minimum of 110 volts of power; and (4) Provide reasonable protection from injury for Veterinary Services representatives. These proposed requirements are the bare minimal standards the Department feels are necessary for effective enforcement of the Act and for the protection of Veterinary Services employees and spectators, as well as for the horses being inspected or waiting to be inspected.

Section 4 of the Act authorizes the Secretary to prescribe by regulations the requirements for persons designated by show management to detect and diagnose soring for purposes of enforcing the Act. Whereas the present regulations limit show management to appointing a licensed and accredited Doctor of Veterinary Medicine to inspect horses for compliance with the Act, the proposed regulations would also permit the designation of nonveterinarians who are licensed as "Designated Qualified Persons" and would establish training and performance standards for such persons. Also, under the proposal, Doctors of Veterinary Medicine appointed by management must meet the following standards: (1) Be accredited by the Department; (2) be licensed to practice veterinary medicine; and (3) be experienced and knowledgeable about equine lameness problems as related to soring and soring practices. The Department believes these minimum standards are necessary if the Department and show management are to be reasonably confident that any veterinarian, retained by management to inspect horses for compliance with the Act, has sufficient knowledge about horses and soring to adequately perform inspection duties. This requirement is not intended to cast any adverse reflections against the overall veterinary profession. The Department recognizes the fact that veterinary medical practitioners are primarily divided into two groups which are those primarily interested in small animal medicine and those primarily interested in large animal medicine, including many who specialize in equine medicine.

It was the intent of Congress, when the 1976 Act was passed, for the Department to develop minimum qualification standards for nonveterinarians who may be retained by show management for the purpose of inspecting horses for compliance with the Act. Though such persons must receive certain specialized training if the Act is to be uniformly enforced throughout the Nation, it is physically and economically impossible for the Department to furnish such training to every non-veterinary individual desiring to become a "Designated Qualified Person." Consequently, the Department proposes to certify any individual who qualifies for and participates in self-regulatory programs developed by the horse industry.

The proposal would require that all DQP candidates be very knowledgeable horsemen such as, but not limited to, farriers and horse trainers, because persons without such knowledge would require more extensive and intensive training than the Department proposes to impose on the horse industry organizations or associations that may wish to develop and maintain a DQP program. Further, such horse related knowledge is vital in order for a DQP candidate to understand the training materials utilized in a DQP training program and to be able to effectively carry out the duties and responsibilities expected of a DQP. In summary, the Department would certify designated qualified person programs developed and maintained by a horse industry organization or association if such organization or association meets the minimum standards designated by the Department. In order for any industry program to attain integrity and uniformity, it is vital that formal training be provided for the DQP candidates and that any such horse industry organization have the authority to maintain disciplinary control over any such program. Therefore, the Department proposes that any horse industry organization or association desiring to sponsor, operate, and administer a DQP program be required to provide formal classroom and practical training for DQP candidates and that such candidates be evaluated and certified as competent to enforce the Act before they are licensed as DQP's.

Under the proposal, the horse industry organization or association desiring to train and license DQP's under the Act would submit to the Department in writing the following information:

(1) The criteria to be used by the horse industry organization or association for selecting or accepting candidates for their DQP training program;

(2) The amount of horse-related knowledge and other minimum qualifications each DQP candidate must possess in order to be admitted to the training program; and,

(3) A copy of the formal training program, classroom and practical, that must be successfully completed by each DQP candidate before being licensed by the horse industry organization or association.

The proposal would further require that the subject matter in the formal DQP training program include a minimum of 2 hours class room instruction on the anatomy and physiology of the limbs of a horse; 2 hours classroom instruction on the Horse Protection Act, its regulations and their interpretation; 4 hours classroom instruction on the history of soring, the methods of soring, the physical examination procedures necessary to diagnose soring, the detection and diagnosis of soring, and other related subjects; and 1-hour classroom instruction on the DQP standards of conduct required by the Department. In addition, the proposal would require that the DQP training programs include at least 4 hours of practical training at seminars or clinics where each DQP candidate can apply the knowledge gained in the classroom and can actually demonstrate their abilities on live horses.

The Department believes the proposed 9 hours of classroom and 4 hours of practical instruction are the bare minimum necessary for adquately training a DQP candidate with prior knowledge about horses. The Department believes it is necessary to establish minimum DQP training standards in order for horse industry organizations or associations to clearly understand what is expected of them in developing and maintaining a viable and credible DQP program. Further, minimum standards are necessary for the Department to utilize as definitive criteria when evaluating a DQP program for adequacy prior to certifying the program. Without definitive criteria upon which to base an evaluation, decisions relating to certification would be purely arbitrary.

The proposal would also require that organizations and associations submit the names, background, experience, and academic qualifications of the instructors responsible for teaching the classroom subjects and conducting the training seminars and clinics. The one exception would be the 2-hour class on the Horse Protection Act, its regulations and their interpretation. Upon the written request of the organization or association conducting the DQP training program, the Department would furnish or recommend an instructor for the course on the Horse Protection Act. The Department believes that the courses on anatomy, physiology, soring, practical application of knowledge at clinics and seminars, and standards of conduct would be of little value unless the instructors teaching such courses were eminently qualified in the respective subjects. Consequently, the Department feels it is just as necessary to evaluate the quality of the instructors as it is to evaluate the quality of the subject matter prior to certifying a DQP program. Prior to and immediately after passage of the Horse Protection Act of 1970, it required little knowledge or

skill to recognize a sored horse. Soring was flagrant and obviously visible to the naked eye. However, the horse with bloody legs and open sores on the pasterns is a thing of the past. Soring today is devious and is seldom evident to the untrained or inexperienced observer. Consequently, the Department feels that any DQP candidate must be familiar with and reasonably knowledgeable about horses in order to be considered for any DQP training program. Further, since the practice of soring involves the hoof, the skin, and the connective tissue under the skin of the feet and legs, the veins and arteries of the feet and legs, and sometimes the muscles and bones in the feet and legs, the Department believes it is vitally necessary for a DQP candidate to have basic knowledge about the anatomy and physiology of the limbs in order to recognize, understand, properly document, and recall for purposes of evidence, if necessary, the effect of soring on living tissue as well as the lesions and symptoms relating to soring on any particular horse. Further, the Department believes every DQP candidate must also have a basic knowledge of the history of soring, the methods of soring, and the various inspection techniques and procedures necessary to detect and diagnose soring. Without such basic knowledge, the DQP candidate cannot be expected to understand the scope of the soring problem, the nefarious benefits attributed to soring, or the necessity of applying a uniform inspection procedure for the purpose of detecting and diagnosing soring. The Department feels that the proposed minimum standards for classroom instruction and practical training are vital to assure the integrity and adequacy of any DQP training program. Further, the Department believes that each DQP must be able to make independent and objective soring related decisions. Consequently, minimum standards of conduct are necessary in order to prevent any conflict of interest or other problem that could possibly result in undue pressure being exerted for the purpose of influencing the decision of a DQP.

In summary, the Department would certify designated qualified person programs developed and maintained by a horse industry organization or association if such organization or association meets the minimum standards designated by the Department. In order for any industry program to attain integrity and uniformity, it is vital that formal training be provided for the DQP candidate and that any such horse industry organization have the authority to maintain disciplinary control over any such program.

Therefore, the Department proposes that any horse industry organization or association desiring to sponsor, operate, and administer a DQP program be required to provide formal classroom and practical training for DQP candidates and that such candidates be evaluated and certified as competent to enforce the Act before they are licensed.

In order to assure that each DQP understands the requirements relating to standards of conduct, the Department believes it is necessary to include a classroom course on the DQP standards of conduct required by the Department in the formal DQP training program. The proposal would also require the organization or association requesting certification of their DQP program to submit a sample of the written examination each DQP must pass in order to successfully complete the DQP training program.

In addition, sample answers to the examination, the method of scoring such examination, and the proposed passing and failing standards for such examination must be submitted. Also, in order to obtain sufficient information upon which an objective decision can be made concerning the adequacy of any DQP training program, the Department also proposes to require the sponsoring organizations or associations to submit the criteria to be used by the organization or association in determining the qualifications and adequate performance abilities of individual DQP candidates who have completed a training course, prior to licensing such DQP candidates.

In addition, the Department proposes to also review the continuing education plans of the DQP program sponsoring organizations and associations and the methods such organizations or associations propose to use to ensure that DQP's apply uniform inspection procedures and uniformly interpret and enforce the Horse Protection Act and regulations. The Department desires this information for the purpose of fairly and objectively evaluating the adequacy and integrity of a DQP training program before determining whether or not any such program will be certified by the Department. The proposed regulations governing DQP training programs would also require that the Department be notified of any DQP training clinics and seminars at least 10 days before such clinics or seminars are scheduled to be conducted. The Department must know when and where such clinics or seminars are to be held in order to be able to make arrangements to have a Veterinary Services representative monitor them to determine if such clinics or seminars are providing adequate practical instruction and are providing ample opportunity for DQP candidates to demonstrate their classroom knowledge and horse related abilities.

The proposed regulations would require horse industry organizations or associations that have received Department certification of their DQP training program to issue a numbered identification card to each DQP licensed by such organization or association. Such card would bear the name, personal signature, and a picture of the DQP and the name and complete mailing address of the licensing organization or association. The Department believes it is vitally necessary for licensed DQP's to have proper identification credentials in order to prevent unqualified and unlicensed individuals from posing as qualified licensed DQP's and to protect management and exhibitors who are genuinely dedicated to complying with the Act and regulations.

Under the proposed regulations, Department certified organizations and associations would be required to submit to the Department a list of all DQP's that have completed the DQP training program and have been licensed under the Act and regulations. Such list would include the complete mailing address of each DQP. In addition, the proposal would require each Department certified organization or association to notify the Department of any additions or deletions of licensed DQP's from the original list of licensed DQP's that has been submitted to the Department, within 10 days of any such deletion or addition change.

The proposal would also prohibit the licensing of any DQP candidate if such candidate has been convicted of any violation of the Act and regulations or paid any fine or civil penalty in settlement of any proceeding alleging that a violation had been committed, if such violation occurred after July 13, 1976. The Department believes such requirements are necessary in order to properly monitor the work related activities of licensed DQP's and to effectively evaluate the integrity of individual DQP programs and to assess the scope of the horse industry's efforts to comply with the Act and regulations. In addition, the Department must have the names of DQP's in order to determine whether or not any such DQP is in conflict with the provision that prohibits the licensing of persons who have been convicted of or paid fines in settlement of a violation of the Act and regulations that occurred after July 13, 1976, the date the Horse Protection Act amendments of 1976 were signed into law.

The proposed regulations would require individual licensed DQP's and horse industry organizations and associations sponsoring a DQP program to maintain certain records and submit certain reports relating to DQP program activities to the Department on a regular basis. DQP's would be required to document and maintain specific information concerning each horse such

DQP has recommended to be excused or disqualified for any reason at any horse show, horse exhibition, horse sale, or horse auction. Such specific information would include the name and address of the show; the show manager; the horse owner; the horse trainer; the horse exhibitor; the name, age, sex, color, and markings of each horse; the exhibitors number and class number or the sale or auction tag number; the date and time of the DQP's inspection; and a detailed description of the DQP's findings and the nature of the alleged violation, including the DQP's opinion as to what caused the condition upon which the decision was based to disqualify or excuse said horse.

Further, the proposal would require the DQP to inform the custodian of each horse, allegedly found in violation of the Act and its regulations or excused or disqualified for any other reason, of the decision concerning said horse and the specific reasons for such action. Also, with 72 hours after the date of any horse show, horse exhibition, horse sale, or horse auction at which any DQP has documented violations of the Act and regulations or excused or recommended for excusing any horse for any other reason, the proposal would require said DQP to forward all information concerning each incident involving a violation or excused horse to the Department and to the organization or association that has licensed said DQP.

In turn, the DQP licensing organization or association would be required to provide complete information concerning each such incident to the owner and trainer of each horse found by one of its DQP's to be in violation of the Act or regulations or otherwise excused for any other reason at any horse show, horse exhibition, horse sale, or horse auction.

Further, each DQP licensing organization or association would be required to furnish each of its licensed DQP's with a current list of all persons disqualified by the Secretary from showing or exhibiting any horse or from judging or managing any horse show, horse exhibition, horse sale, or horse auction. This list would be provided to each licensing organization or association by the Department on a current basis. The Department feels that the maintenance of complete records involving alleged violations and the people connected with horses involved in the violations is vital to the credibility of any certified DQP program, and that such records must be available in order for the Department to evaluate the credibility and effectiveness of individual DQP's and their licensing organizations or associations in enforcing the Act and its regulations.

Further, such information is necessary in order for the Department to analytically determine which geographical areas, individual shows, exhibitions, sales, and auctions, and their managers, horse trainers, horse exhibitors, and horse owners are involved in violations as related to soring. The results of any such analysis could provide valuable assistance to the Department in determining the areas that need increased enforcement efforts as well as provide aid in the evaluation of individual DQP programs being maintained by horse industry organizations or associations.

Under the proposed regulations, each horse industry organization or association maintaining a certified DQP program would develop and provide administrative procedures within the organization or association for initiating, maintaining, and enforcing uniform standards of conduct for licensed DQP's. The proposal would also require the licensing organization or association to rescind the license of any DQP who violates the standards of conduct or who is convicted of any violation of the Act or regulations or who pays any fine or civil penalty in settlement of any alleged violation of the Act or regulations.

The minimum standards of conduct the Department would require are designed to protect the integrity and credibility of individual DQP's and their licensing organization or association. The minimum standards would be as follows:

(1) DQP's would not be allowed to exhibit any horse at any horse show or horse exhibition or purchase any horse at any horse sale or horse auction at which said DQP has been appointed by management to inspect horses;

(2) DQP's must follow the uniform inspection procedures of their licensing organization or association when inspecting horses for compliance with the Act and regulations; and,

(3) DQP's must disqualify from competition or sale any horse which in their opinion is in violation of the Act and regulations. In order to be able to determine the number of horse shows, horse exhibitions, horse sales, or horse auctions that participate in the horse industry's self-regulatory programs and, thereby, have a measure of compliance with the Act, the proposed regulations would also require sponsoring organizations and associations to provide the Department with a current list, on a monthly basis, of horse shows, horse exhibitions, horse sales, and horse auctions that will be inspected by DQP's licensed by such organization or assosication.

Information on such list would include the name, location, and date of the horse show, horse exhibition, horse sale, or horse auction and the name of the manage, if available. Since the Department is aware that there are approximatly 4,000 horse shows, horse exhibitions, horse sales, and horse auctions subject to the Act, information concerning the number of shows, exhibitions, sales, or auctions that appoint a licensed DQP to inspect horses for compliance with the Act and regulations will provide a gauge for the Department to use in making decisions relating to Department enforcement priorities.

The proposed regulations would require horse show, horse exhibition, horse sale or horse auction management to identify all horses that are sore or otherwise in violation of the Act and regulations, and prohibit any such horses from being shown, exhibited, sold, or auctioned at such horse show, horse exhibition, horse sale, or horse auction, unless such management had appointed a licensed DQP to inspect horses. Further, the proposed regulations would require horse show, horse exhibition, horse sale, or horse auction management to inspect or instruct their appointed DQP to inspect, for compliance with the Act and regulations, all gaited horses prior to being shown, exhibited, sold, or auctioned and all first place horses after they have been shown.

Inspection prior to a show, exhibition, sale, or auction will make it extremely difficult for anyone to show, exhibit, sell, or auction sore horses, or horses otherwise in violation of the Act and regulations, and will greatly aid the Department in gaining compliance with the Act. The proposed regulations would require any horse show, horse exhibition, horse sale, or horse auction management, that has appointed and retained a DQP to inspect horses, to abide by the decisions of said DQP and would not allow management to coerce or otherwise influence a DQP in making any decision, including decisions relating to the DQP's disqualification or excusing of any horse from any horse show, horse exhibition, horse sale, or horse auction.

If management does not desire to delegate full authority to an appointed DQP to excuse or disqualify horses, management then bears full responsibility under the Act and regulations in the event any horse is found to be sore or otherwise in violation of the Act and regulations.

Under the proposed regulations, should management become dissatisfied with the performance or services of a DQP during said DQP's regular tour of duty, management shall not dismiss or otherwise exert pressure on said DQP. However, management would have the prerogative of notifying in writing the Department and the organization or association licensing said DQP (if such DQP is not a Doctor of Veterinary Medicine) concerning the reasons for said management's dis-

satisfaction with the DQP. The Department feels it is necessary to protect any DQP from coercion, intimidation, threat, or any other pressure, in order to protect the integrity and credibility of any DQP program. A dedicated self-regulatory effort by the horse industry has in the past and will continue to aid the Department's efforts to enforce the Act. With this in mind, the proposed regulations place primary responsibility for the development, operation, and control of DQP programs upon the horse industry, while making available to the industry the expertise and assistance of the Department.

The proposed regulations related to the recordkeeping requirements imposed on the management of any horse show, horse exhibition, horse sale, or horse auction are substantially the same as those in the present regulations. The proposed regulations require certain details relating to the identity of various show officials and require specific information concerning the identity of horses involved in any horse show, horse exhibition, horse sale, or horse auction. Further, the proposed regulations would permit the Deputy Administrator of Veterinary Services to require in certain cases that show management maintain show records for a period in excess of 90 days. The time period required by the present regulations is 90 days. The proposed time extension is necessary on occasion when the Department is preparing alleged violation cases and is in need of additional information within management files pertaining to any such cases. The Department feels the proposed recordkeeping requirements are minimal for effective enforcement of the Act. The proposed regulations related to the Department's authority to inspect any and all show records and the legal obligation of the show management or sponsoring organization to make such records available are substantially the same as the present regulations.

The proposed new section 11.24 would require the sponsoring organization of any horse show, horse exhibition, horse sale, or horse auction to submit certain records concerning any horses that are found to be sore by the show management, show veterinarian, or other designated qualified person. The Department must have such information in order to effectively evaluate the effectiveness of the organized horse indutry self-regulatory programs and to effectively monitor the incidence of soring violations.

The proposed § 11.40 relating to the transportation of horses is substantially the same as the present regulations. Reference to horse sales and horse auctions has been added in order to bring § 11.40 into compliance with the 1976 amendments to the Horse Protection Act.

The proposed § 11.41 of the regulations deals with reporting requirements affecting horse industry organizations or associations that sanction or sponsor any horse show, horse exhibition, horse sale or horse auction. The proposal would require all such organizations or associations to furnish the Department with copies of all organization or association rulebooks and disciplinary procedures applicable to any horse show, horse exhibition, horse sale or horse auction, or any exhibitor of horses at such shows, exhibitions, sales or auctions. Copies of rulebooks would be furnished on a seasonal (annual) basis and copies of all disciplinary procedures and actions taken against exhibitors, shows, exhibitions, sales or auctions by such organization or association would be furnished on a quarterly basis. The Department feels these reports are necessary for Department officials to evaluate and analyze horse industry progress in effectuating self-regulatory compliance with the Act and regulations.

Accordingly, it is proposed that the regulations promulgated under the Horse Protection Act (9 CFR 11 et seq.) be amended in the following respects:

1. The Table of Contents cited Part 11—Horse Protection Regulations would be amended to read as follows:

PART 11—HORSE PROTECTION REGULATIONS

Sec.
11.1 Definitions.
11.2. Prohibitions concerning exhibitors.
11.3 Scar rule.
11.4 Inspection and detention of horses.
11.5 Access to premises and records.
11.6 Inspection space and facility requirements.
11.7 Certification and licensing of designated qualified persons.
11.20 Responsibilities and liabilities of management.
11.21 Records required, and disposition thereof.
11.22 Inspection of records.
11.24 Reporting by management.
11.40 Prohibitions, and requirements concerning persons involved in transportation of certain horses affecting commerce.
11.41 Reporting required of horse industry organizations or associations.

AUTHORITY: Pub. L. 91-540, 84 Stat. 1404; 15 U.S.C. 1821 et seq.

2. It is proposed that 9 CFR Part 11 be amended to read as follows:

§ 11.1 Definitions.

For the purpose of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also impart the plural form and the masculine form shall also impart the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage.

(a) "Act" means the Horse Protection Act of 1970 (Pub. L. 91-540) as amended by the Horse Protection Act Amendments of 1976 (Pub. L. 94-360) 15 U.S.C. 1821 et seq., and any legislation amendatory thereof.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture or anyone who has heretofore or may hereafter be delegated authority to act in his stead.

(d) "Administrator" means the Administrator of the Animal and Plant Health Inspection Service or any other official of the Department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(e) "Deputy Administrator" means the Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, or any other official of Veterinary Services to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinary Services" means the office of the Animal and Plant Health Inspection Service to which responsibility is assigned for the administration of the Act.

(g) "Area Veterinarian in Charge" means the Veterinary Services veterinarian who is assigned by the Deputy Administrator to supervise and perform official duties of Veterinary Services under the Act in a Specified State of States that has been officially designated by Veterinary Services as an "Area".[1]

(h) "Veterinary Services Show Veterinarian" means the Veterinary Services Doctor of Veterinary Medicine, responsible for the immediate supervision and conduct of the Department's activities under the Act at any horse show, horse exhibition, horse sale or horse auction.

(i) "Veterinary Services representative" means any employee of Veterinary Services, or any officer or employee of any State agency who is authorized by the Deputy Administrator to perform inspections or any other functions authorized by the Act, including the inspection of the records of any horse show, horse exhibition, horse sale or horse auction.

(j) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

[1]Information as to the name and address of the Area Veterinarian in Charge for the State or States concerned can be obtained by writing to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

(k) "Person" means any individual, corporation, company, association, firm, partnership, society, organization, joint stock company, or other legal entity.

(l) "Horse" means any member of the species *Equus caballus.*

(m) "Horse Show" means a public display of any horses, in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides.

(n) "Horse Exhibition" means a public display of any horses, singly or in groups, but not in competition, except events where speed is the prime factor, rodeo events, parades, or trail rides.

(o) "Horse Sale or Horse Auction" means any event, public or private, at which horses are sold or auctioned, regardless of whether or not said horses are exhibited prior to or during the sale or auction.

(p) "Action Device" means any boot, collar, chain, roller, or other device which encircles or is placed upon the lower extremity of the leg of a horse.

(q) "Inspection" means the examination of any horse or horses and any records pertaining to any horse by use of whatever means are deemed appropriate and necessary to determine whether any horse and any records pertaining to any horse are in compliance with the Act and regulations. An inspection of a horse may include, but is not limited to, visual examination of the horse and its records, actual physical examination including touching, rubbing, palpating and observation of vital signs, and the use of any diagnostic device or instrument, and may require the removal of any shoe, pad, action device, or any other equipment, substance or paraphernalia from the horse when deemed necessary by the person conducting such inspection for purposes of ascertaining compliance with the Act and regulations.

(r) "Sponsoring Organization" means any person under whose auspices a horse show, horse exhibition, horse sale or horse auction is conducted.

(s) "Show Manager" means the person who has been delegated primary authority by a sponsoring organization for managing a horse show, horse exhibition, horse sale or horse auction.

(t) "Management" means any person or persons who organize, exercise control over, or administer or are responsible for organizing, directing, or administering any horse show, horse exhibition, horse sale or horse auction and specifically includes, but is not limited to, the sponsoring organization and show manager.

(u) "Exhibitor" means (1) any person who enters any horse, or who allows his horse to be entered, or who directs or allows any horse in his custody or under his direction, control or supervision to be entered in any horse show or horse exhibition; (2) any person who shows or exhibits any horse, or who allows his horse to be shown or exhibited, or who directs or allows any horse in his custody or under his direction, control, or supervision to be shown or exhibited in any horse show or horse exhibition; (3) any person who enters or presents any horse for sale or auction, or who allows his horse to be entered or presented for sale or auction, or who allows any horse in his custody or under his direction, control, or supervision to be entered or presented for sale or auction in any horse sale or horse auction; or (4) any person who sells or auctions any horse, or who allows his horse to be sold or auctioned, or who directs or allows any horse in his custody or under his direction, control, or supervision to be sold or auctioned.

(v) "Designated Qualified Person" means a person meeting the requirements specified in § 11.7(a) of this part, that has been appointed and delegated authority by the management of any horse show, horse exhibition, horse sale or horse auction under section 4 of the Act to inspect horses, and who is qualified to detect and diagnose horses and otherwise to inspect horses and any records pertaining to any horse for compliance with the Act.

(w) "Horse Industry Organization or Association" means an organized group of people engaged in any way with the showing, exhibiting, sale, auction, registry, or promotion of horses.

(x) "Lubricant" means mineral oil, glycerine or petrolatum, or mixtures exclusively thereof that is applied to the limbs of a horse solely for protective and lubricanting purposes while the horse is being shown or exhibited at a horse show, horse exhibition, horse sale or horse auction.

(y) "Sore" when used to describe a horse means:

(1) An irritating or blistering agent has been applied, internally or externally, by a person to any limb of a horse,

(2) Any burn, cut, or laceration has been inflicted by a person on any limb of a horse,

(3) Any tack, nail, screw, or chemical agent has been injected by a person into or used by a person on any limb of a horse, or

(4) Any other substance or device has been used by a person on any limb of a horse or a person has engaged in a practice involving a horse, and, as a result of such application, infliction, injection, use, or practice, such horse suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of a horse by or under the supervision of a person licensed to practice veterinary medicine in the State in which such treatment was given.

§ 11.2 Prohibitions concerning exhibitors.

(a) *General prohibitions.* No chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, horse sale or horse auction if such use causes or can reasonably be expected to cause such horse to be sore.

(b) *Specific prohibitions.* The use of any of the following devices, equipment, or practices on any horse at any horse show, horse exhibition, horse sale or horse auction is prohibited:

(1) All beads, bangles, rollers, and similar devices, except those made of lignum vitae (hardwood), aluminum, or stainless steel, with rollers of uniform size, weight and configuration, and each such device shall weigh no more than 14 ounces, including the weight of the fastener.

(2) Chains weighing in excess of 8 ounces each including the weight of the fastener on 2-year-old horses; chains weighing in excess of 10 ounces each including the weight of the fastener on 3-year-old horses; and, chains weighing in excess of 12 ounces each including the weight of the fastener on horses 4 years old or older.

(3) Chains with links that are not of uniform size, weight and configuration; and, chains that have twisted links or double links.

(4) Chains that have drop links.

(5) More than one action device on any one limb of a horse.

(6) Chains or lignum vitae, stainless steel, or aluminum rollers which are not smooth and free of protrusions, projections, rust, corrosion, or rough or sharp edges.

(7) Boots, collars, or any other device, with protrusions or swellings, or rigid, rough, or sharp edges, seams or any other abrasive or abusive surface that may contact a horse's leg.

(8) Using pads or any other devices on yearling horses that elevate or change the angle of such horse's hoof in excess of 1 inch at the heel.

(9) Any weight on yearling horses, except a keg or other similar, conventional type horse shoe, and any horse shoe on yearling horses that weighs in excess of 16 ounces.

(10) "Heel-toe" Ratio Measurements—Toe lengths that do not exceed the height of the heel by ½ inch or more. The toe shall be measured from the coronet band, at the center of the front pastern along the hoof wall, to the ground. The heel shall be measured from the coronet band, at the most lateral portion of

the real pastern, at a 90 degree angle to the ground, not including normal caulks at the rear of a horse shoe that do not exceed ¾ inch in length. That portion of caulk at the rear of a horseshoe in excess of ¾ of an inch shall be added to the height of the heel in determining the heel-toe ratio.

(11) Artificial extension of the toe length, whether accomplished with horse shoes, pads, acrylics or any other material or combinations or the aforementioned material, unless such extension assumes the normal angle of the hoof wall and pastern and is therapeutically necessary to repair a broken hoof.

(12) Rocker-bars on the bottom surface of horse shoes that extend more than 1½ inches posterior from the point of the toe.

(13) Metal hoof bands, such as used to anchor or strengthen pads and shoes, placed less than ½ inch below the coronet band.

(14) Metal hoof bands that can be easily and quickly loosened or tightened by hand, such as, but not limited to, a wing-nut or similar fastener.

(15) Any action device, or any other device that strikes the coronet band of the foot of a horse.

(16) Shoeing a horse, or trimming a horse's hoof in a manner that will cause such horse to suffer, or can reasonably be expected to cause such horse to suffer pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving.

(17) Lead or other weights attached to the outside of the hoof wall, pad or on the outside surface of the horseshoe.

(c) *Substances.* All substances are prohibited on the extremities above the hoof of any horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, horse sale, or horse auction, except glycerine, petrolatum, and mineral oil, or mixtures thereof: *Provided,* That:

(1) The horse show, horse exhibition, horse sale, or horse auction management agrees to furnish and maintain control over all lubricants used at the horse show, horse exhibition, horse sale, or horse auction.

(2) Any such lubricant is applied after the horse has been inspected by the horse show, horse exhibition, horse sale or horse auction management, the show veterinarian, or other designated qualified person (DQP), and all lubricants are applied under the supervision of the horse show, horse exhibition, horse sale, or horse auction management.

(3) Horse show, horse exhibition, horse sale or horse auction management makes such lubricants available for Department personnel to inspect and sample as they deem necessary for laboratory analysis or otherwise.

(d) *Competition restrictions—2 Year-Old Horses.* Horse show or horse exhibitions workouts for 2-year-old horses and working exhibitions of 2-year-old horses at horse sales or horse auctions that exceed 10 minutes without a minimum of 5 minutes rest period between workouts and, more than two workout periods per performances are prohibited.

(e) *Information requirements—horse related.* Failing to provide information or providing any false or misleading information by any person that owns, trains, shows, exhibits, or sells or has custody of, or direction or control over any horse shown, exhibited, sold, or auctioned or entered for the purpose of being shown, exhibited, sold, or auctioned at any horse show, horse exhibition, horse sale, or horse auction is prohibited. Such information shall include, but is not limited to: information concerning the registered name, markings, sex, age, and legal ownership of the horse; the name and address of the horse's training and/or stabling facilities; the name and address of the owner, trainer, rider, any other exhibitor, or other legal entity bearing responsibility for the horse; the class in which the horse is entered or shown; the exhibitor identification number; and, any other information reasonably related to the identification, ownership, control, direction, or supervision of any such horse.

§ 11.3 Scar rule.

All horses up to and including 5-year-old horses in the 1977 horse show season and thereafter, when shown, exhibited, sold, or auctioned at any horse show, horse exhibition, horse sale, or horse auction, or when entered for show or exhibition or offered for sale or auction at any horse show, horse exhibition, horse sale, or horse auction shall be disqualified from showing, exhibition, sale, or auction by the management of any horse show, horse exhibition, horse sale, or horse auction if they do not meet the following scar rule requirements. Such horses which do not meet the following scar rule criteria shall be considered to be "sore" and be subject to the prohibitions of § 5 of the Act:

(a) The anterior and anterior-lateral surfaces of the fore pasterns (extensor surface) must be free of bilateral granulomas, other bilateral pathological evidence of inflammation, and, other bilateral evidence of abuse indicative of soring including, but not limited to, excessive loss of hair.

(b) The posterior surfaces of the pasterns (flexor surface), including the sulcus or "pocket", may show bilateral areas of uniformly thickened epithelial tissue if such areas are free of proliferating granulation tissue, irrition, moisture, edema, or other evidence of inflammation.

§ 11.4 Inspection and detention of horses.

For the purpose of effective enforcement of the Act:

(a) Each horse owner, exhibitor, trainer, or other person having custody of, or responsibility for, any horse on the grounds of or otherwise at any horse show, horse exhibition, horse sale, or horse auction, shall allow any Veterinary Services representative, after such representative has presented appropriate credentials, to reasonably inspect such horse at all reasonable times and places the Veterinary Services representative may designate. Such inspections may be required of any horse which is stabled, loaded on a trailer, being prepared for show, exhibition, sale or auction, being exercised or otherwise on the grounds of, or present at, any horse show, horse exhibition, horse sale, or horse auction whether or not such horse has or has not been shown, exhibited, sold, or auctioned, or has or has not been entered for the purpose of being shown or exhibited or offered for sale or auction at any such horse show, horse exhibition, horse sale, or horse auction.

This authority shall not be construed to permit Veterinary Services representatives to generally or routinely delay or interrupt actual individual classes or performances at horse shows, horse exhibitions, horse sales, or horse auctions for the purpose of examining horses, except in extraordinary situations, such as but not limited to, where no other adequate facilities are available for such inspections or they have reason to believe failure to do so may result in the loss, removal, or masking of any evidence of a violation of the Act or the regulations, unless management of such horse show, horse exhibition, horse sale, or horse auction requests such inspection or accedes to such a request by a Veterinary Services representative.

(b) When any Veterinary Services representative notifies the owner, exhibitor, trainer, or other person having custody of or responsibility for a horse at any horse show, horse exhibition, horse sale, or horse auction that Veterinary Services desires to inspect such horse, it shall not be moved from the horse show, horse exhibition, horse sale, or horse auction until such inspection has been completed and the horse has been released by a Veterinary Services representative.

(c) For the purpose of examination, testing, or taking of evidence, Veterinary Services representatives may detain for a period not to exceed 24 hours any horse, at any horse show, horse exhibition, horse sale, or horse auction, which is sore or which a Veterinary Services veterinarian has probably cause to believe is sore.

(d) Detained horses shall be kept under the supervision of Veterinary Services representatives or secured under an official USDA seal or seals in a horse stall or other facility to which

access can be limited. The official USDA seal or seals may not be broken or removed, by any person other than a Veterinary Services representative, unless:

(1) The life or well-being of the detained horse is immediately endangered by fire, flood, windstorm, or other dire circumstances that are beyond human control.

(2) The detained horse is in need of such immediate veterinary attention that its life may be in peril before a Veterinary Services representative can be located.

(3) The horse has been detained for a maximum 24-hour detention period.

(e) The owner, exhibitor, trainer, or other person having custody of or responsibility for any horse detained by Veterinary Services for further examination, testing, or the taking of evidence shall be allowed to feed, water, and provide other normal custodial and maintenance care for such detained horse, Provided, That:

(1) Such feeding, watering, and other normal custodial and maintenance care of the detained horse is rendered under the direct supervision of a Veterinary Services representative.

(2) Any non-emergency veterinary care of the detained horse requiring the use, application, or injection of any drugs or other medication for therapeutic or other purposes is rendered by a Doctor of Veterinary Medicine in the presence of a Veterinary Services representative and, the identity of the drug or other medication used, applied, or injected and its purpose is furnished in writing to a Veterinary Services representative prior to such use, application, or injection by the Doctor of Veterinary Medicine attending the horse, and the use, application, or injection of such drug or other medication is approved by a Veterinary Services veterinarian.

(f) The owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse allegedly found to be in violation of the Act or the regulations shall be informed of such alleged violation or violations by a Veterinary Services representative before the horse is released by a Veterinary Services representative.

(g) The owner, trainer, exhibitor, or other person having immediate custody of or responsibility for any horse or horses that a Veterinary Services represenative determines shall be detained for examination, testing, or taking of evidence pursuant to paragraph (e) of this section shall be informed after such determination is made and said horse shall immediately be put under the supervisory custody of Veterinary Services or secured under official USDA seal as provided in paragraph (d) of this section until the completion of such examination, testing, or gathering of evidence, or the 24-hour detention period expires.

(h) The owner, trainer, exhibitor, or other person having custody of or responsibility for any horse allegedly found to be in violation of the Act and its regulations, and who has been notified of such alleged violation by a Veterinary Services representative as required in paragraph (f), may request reexamination and testing of said horse within a 24-hour period, Provided, That:

(1) Such request is made to the Veterinary Services Show Veterinarian immediately after the horse has been examined by Veterinary Services representatives and before such horse has been removed from the Veterinary Services inspection facilities; and

(2) The Veterinary Services Show Veterinarian determines that sufficient cause for reexamination and testing exists, and that Veterinary Services personnel are available to conduct such reexamination and testing; and,

(3) The horse is maintained under Veterinary Services supervisory custody as prescribed in paragraph (d) of this section until such reexamination and testing has been completed.

(i) The owner, exhibitor, trainer, or other person having custody of, or responsibility for any horse being inspected shall render such assistance as the Veterinary Services representative may reasonably request for purposes of such inspection.

§ 11.5 Access to premises and records.

Access to premises for inspection of horses and records required is as follows:

(a) a. *Management.* (1) The management, show manager, and the sponsoring organization of any horse show, horse exhibition, horse sale, or horse auction shall, without fee, charge, assessment, or other compensation, provide properly identified Veterinary Services representatives with unlimited access to the grandstands, sale ring, barns, stables, grounds, offices, and all other areas of any horse show, horse exhibition, horse sale, or horse auction, including any adjacent areas under their direction, control, or supervision for the purpose of inspecting any horses at, or records required to be kept by such horse show, horse exhibition, horse sale or horse auction.

(2) The management, show manager, and the sponsoring organization of any horse show, horse exhibition, horse sale or horse auction shall, without fee, charge, assessment, or other compensation, provide properly identified Veterinary Services representatives with an adequate, safe, and accessible area for the visual inspection and observation of horses while such horses are competitively or otherwise performing at any horse show or horse exhibition, or while such horses are being sold or auctioned or offered for sale or auction at any horse sale or horse auction.

(b) b. *Exhibitors.* (1) Each horse owner, exhibitor, or other persons having custody of or responsibility for any horse at any horse show, horse exhibition, horse sale, or horse auction shall, without fee, charge, assessment, or other compensation, admit any Veterinary Services representative or Designated Qualified Person appointed by management, to all areas of barns, compounds, horse vans, horse trailers, stables, stalls, paddocks, or other show, exhibition, sale, or auction grounds or related areas at any horse show, horse exhibition, horse sale, or horse auction, for the purpose of inspecting any such horse at any and all reasonable times.

(2) Each owner, trainer, exhibitor, or other person having custody of or responsibility for, any horse at any horse show, horse exhibition, horse sale, or horse auction shall promptly present his horse for inspection upon notification, orally or in writing, by any Veterinary Services representative or Desginated Qualified Person appointed by management, that said horse has been selected for examination for the purpose of determining whether such horse is in compliance with the Act.

§ 11.6 Inspection space and facility requirements.

The management of every horse show, horse exhibition, horse sale, or horse auction shall provide appropriate space and facilities for Veterinary Services representatives to carry out their duties under the Act at every horse show, horse exhibition, horse sale, or horse auction, whether or not management has been notified or otherwise knows that such show may or may not be inspected by Veterinary Services, as follows:

(a) Sufficient space in a convenient location to the horse show, horse exhibition, horse sale, or horse auction arena, acceptable to the Veterinary Services Show Veterinarian, in which horses may be physically, thermographically, or otherwise inspected.

(b) Protection from the elements of nature, such as rain, snow, sleet, hail, windstorm, etc.

(c) A means to control crowds or onlookers in order for Veterinary Services personnel to carry out their duties without interference and with a reasonable measure of safety.

(d) An accessible, reliable, and convenient 110-volt electrical power source.

(e) An appropriate area adjacent to the inspection area for designated horses to wait for inspection.

§ 11.7 Certification and licensing of designated qualified persons.

(a) Individuals who may be appointed by mangement of any horse show, horse exhibition, horse sale, or horse auction as a Designated Qualified Person (DQP) to inspect horses to detect and diagnose soring and otherwise inspect horses, or any records pertaining to any horse, for compliance with the Act are as follows:

(1) Doctors of Veterinary Medicine who are accredited in any State by the United States Department of Agriculture under Part 161 of Chapter I of Title 9 of the Code of Federal Regulations, and who meet one or more of the following criteria:

(i) They are members of the American Association of Equine Practitioners.

(ii) They are large Animal Practitioners with substantial equine experience;

(iii) They are knowledgeable about equine lameness problems as related to soring and soring practices.

For example: A Doctor of Veterinary Medicine with a small animal practice who owns, trains, judges, or shows horses; or, a Doctor of Veterinary Medicine who teaches equine related subjects in an accredited college or school of veterinary medicine.

(2) Farriers, horse trainers, and other knowledgeable horsemen who have been formally trained and licensed as Designated Qualified Persons by a horse industry organization or association whose DQP program has been certified by the Department under subsections (b) and (c) of this section.

(b) *Certification requirements for a designated qualified person (DQP) program.*

The Department will not license DQP's on an individual basis. Licensing of DQP's will be accomplished only by the certification of DQP programs initiated and maintained by horse industry organizations or associations.

(b) Any organized horse industry organization or association desiring Department certification to train and license Designated Qualified Persons under the Act shall submit to the Department[2] in writing a formal request for certification of the DQP program and, a detailed outline of the DQP program. In order to be certified, such outline of a DQP program must contain at least the following requirements:

(1) The criteria to be used to select DQP candidates and the minimum qualifications and knowledge of horses each candidate must have in order to be admitted to the program.

(2) A copy of the formal training program, classroom and practical, required to be completed by each DQP candidate before being licensed by such horse industry organization or association, including the approximate number of hours, classroom and practical, and the subject matter included in the training program. Such training program must meet the following minimum standards in order to be certified by the Department under the Act:

(i) Two hours of classroom instruction on the anatomy and physiology of the limbs of a horse. The instructor teaching the course must be specified and a resume of said instruction's background, experience, and qualifications to teach such course.

(ii) Two hours of classroom instruction on the Horse Protection Act and regulations and their interpetation. Instructors for this course must be furnished or recommended by the Department. Requests for instructors to be furnished or recommended must be made to the Department[2] in writing.

(iii) Four hours of classroom instruction on the history of soring, the physical examination procedures necessary to detect soring, the detection and diagnosis of soring, and related subjects. The instructor teaching the course must be specified and a summary of said instructor's background, experience, and qualifications to teach such course.

(iv) Four hours of practical instruction in clinics and seminars with actual application of the knowledge gained in the classroom subjects covered in (i), (ii), and (iii). The names of the instructors and a resume of their background, academic or practical experience, and qualifications to teach such courses. Notification of the actual date, time, duration, subject matter, and geographic location of such clinic or seminar must be sent to the Deputy Administrator[2] at least 10 days prior to each such clinic or seminar.

(v) One hour of classroom instruction on the DQP standards of conduct required by the Department.

(3) A sample of a written examination which must be passed by DQP candidates for successful completion of the program along with sample answers and scoring thereof, and proposed passing and failing standards.

(4) The criteria to be used to determine the qualifications and performance abilities of DQP candidates for the successful completion of the training program, in addition to the written examination required in 11.7(b)(3) of the regulations.

(5) The criteria for continuing education and satisfactory performance appraisals for continued licensing of DQP's by such organization or association.

(6) The methods to be used to insure uniform interpretation and enforcement of the Horse Protection Act and regulations by DQP's, and uniform procedures for inspecting horses for compliance with the Act and regulations; and

(7) A formal request for Department[2] certification of the DQP program.

The horse industry organizations or associations that have formally requested Department certification of their DQP training, enforcement, and maintenance program will receive a formal notice of certification from the Department, or the reasons, in writing, why certification of such program cannot be approved. Such certification of a DQP program shall be published in the FEDERAL REGISTER along with a list of the names of individuals licensed as DQP's by each organization or association that has a certified DQP program. A current list of certified DQP programs and licensed DQP's will be published in the FEDERAL REGISTER at least once each year, and as may be further required for the purpose of deleting the names of DQP's that are no longer certified and licensed, and to add the names of DQP's that have been licensed subsequent to the publication of the previous list.

(c) *Licensing of designated qualified persons.* Any horse industry organization or association receiving Department certification for the training and licensing of DQP's under the Act shall:

(1) Issue each DQP licensed by such horse industry organization or association a numbered identification card bearing the name and personal signature of the DQP, a picture of the DQP, and the name and address, including the street address or post office box and zip code, of the licensing organization or association;

(2) Submit a list to the Department[2] of names and addresses, including street address or post office box and zip code, of all DQP's that have completed the certified DQP program and have been licensed under the Act and regulations by such horse industry organization or association;

(3) Notify the Department of any additions or deletions of licensed DQP's from the licensed DQP list submitted to the Department or change in the address of any DQP licensed by such horse industry organization or association within 10 days of such change; and

(4) No DQP candidate shall be licensed by any horse industry organization or association if such candidate has been convicted of any violation of the Act or regulations, or paid any fine or civil penalty in settlement of any proceeding alleging that any violation of the Act or regulations was committed, occuring after July 13, 1976.

[2]Deputy Administrator, 6505 Belcrest Road, Room 770, Hyattsville, Md. 20782.

[2]Same as previous footnote 2.

within the previous two years for the first such violation or the previous five years for such a second or subsequent violation.

(d) *Requirements for DQP's and the licensing organization or association.*

(1) Any licensed DQP appointed by the management of any horse show, horse exhibition, horse sale, or horse auction to inspect horses for the purpose of detecting and diagnosing horses which are sore and otherwise inspect horses for the purpose of enforcing the Act and regulations, shall keep and maintain the following information and records concerning any horse which said DQP recommends be disqualified or excused by management for any reason at such horse show, horse exhibition, horse sale, or horse auction, in a uniform format required by the horse industry organization or association that has licensed said DQP.

(i) The name and address, including street address or post office box and zip code, of the show and the show manager.

(ii) The name and address, including street address or post office box and zip code, of the horse owner.

(iii) The name and address, including street address or post office box and zip code, of the horse trainer.

(iv) The name and address, including street address or post office box and zip code, of the horse exhibitor.

(v) The exhibitors number and class number, or the sale or auction tag number of said horse.

(vi) The date and time of the inspection.

(vii) A detailed description of all of the DQP's findings and the nature of the alleged violation, or other reason for disqualifying or excusing or recommending the horse be excused or disqualified, including said DQP's opinion as to what caused the condition upon which the decision to disqualify or excuse or recommend disqualifying or excusing said horse was based.

(viii) The name, age, sex, color, and markings of the horse: and

(ix) The name or names of the show manager or other management representative notified by the DQP that such horse was or should be excused; and, whether or not such manager or representative excused or disqualified any such horse.

Copies of the above records shall be submitted by the involved DQP to the Department[2] and to the horse industry organization or association that has licensed said DQP within 72 hours after the horse show, horse exhibition, horse sale, or horse auction is over.

(2) The DQP shall inform the custodian of each horse allegedly found in violation of the Act or its regulations, or disqualified or excused, or recommended to management to be disqualified or excused for any other reason, of such action and the specific reasons for such action.

(3) Each Department certified horse industry organization or association shall submit a report containing the following information, from records required in § 11.7(d)(A) above and other available sources, to the Department[2] on a monthly basis:

(i) The identity of all horse shows, horse exhibitions, horse sales, or horse auctions that have retained the services of DQP's licensed by said organization or association during the month covered by the report. Information concerning the identity of such horse shows, horse exhibitions, horse sales, or horse auctions shall include:

(A) The name and location of the show, exhibitions, sale, or auction.

(B) The name and address of the manager.

(C) The date or dates of the show, exhibition, sale, or auction.

(ii) The identity of all horses at each horse show, horse exhibition, horse sale, or horse auction that the licensed DQP recommended be disqualified or excused for any reason. The information concerning the identity of such horses shall include:

(A) The registered name of each horse.

(B) The name and address of the owner, trainer, exhibitor, or other person having custody of or responsibility for the care of each such horse the DQP recommended be disqualified or excused.

(4) The certified organization or association shall provide, by certified mail if personal service is not possible, to the trainer and owner of each horse allegedly found in violation of the Act or its regulations or otherwise disqualified or excused for any reason by one of said organization or association DQP's at any horse show, horse exhibition, horse sale, or horse auction, the following information:

(i) The name and date of the show, exhibition, sale, or auction.

(ii) The name of the horse and the reason why said horse was excused, disqualified, or alleged to be in violation of the Act or its regulations.

(5) Each horse industry organization or association shall provide each of its licensed DQP's with a current list of all persons that have been disqualified by order of the Secretary from showing or exhibiting any horse, or judging or managing any horse show, horse exhibition, horse sale, or horse auction. Such list shall be provided on a current basis by the Department to each organization or association that maintains a certified DQP program.

(6) Develop and provide administrative procedures within the organization or association for initiating, maintaining, and enforcing uniform standards of conduct for its licensed DQP's. Such standards and enforcement criteria shall include the causes for and methods to be utilized in rescinding or removing the license of any DQP who fails to properly and adequately carry out the duties of a licensed DQP. Minumum standards of conduct for DQP's are as follows: (i) DQP's may not exhibit any horse at any horse show or horse exhibition, or sell, auction, or purchase any horse sold at a horse sale or horse auction at which the DQP has been appointed by management to inspect horses; (ii) DQP's must follow the uniform inspection procedures of the certified organization or association when inspecting horses; (iii) DQP's must disqualify or recommend to management the disqualification from competition or sale any horse found to be in violation of the Horse Protection Act and the regulations; and, (iv) the license of any DQP, convicted of any violation of the Act or regulations or who pays any fine, or civil penalty in settlement of any alleged violation of the Act or regulations, shall be rescinded if such alleged violation occurred after July 13, 1976.

(7) No DQP who has been disqualified by the Secretary, after notice and opportunity for a hearing, shall be appointed by any organization.

(e) *Removal of certification for horse industry organization or association DQP program.* Any horse industry organization or association with a Department certified DQP program which fails to comply with the requirements contained in this Section (§ 11.7) may have such certification of their DQP program rescinded, unless upon written notification from the Department of such failure to comply with the requirements in this Section, such organization or association takes immediate action to rectify such failure and takes appropriate steps to prevent a recurrence of such violation within the time period specified in such Department notification, or otherwise adequately explains such failure. Any horse industry organization or association whose DQP program certification has been rescinded, may appeal such rescinding action to the Deputy Administrator in writing, within 30 days after such rescinding action becomes effective.

§ 11.20 Responsibilities and liabilities of management.

(a) It is unlawful for any person to conduct any horse show, horse exhibition, horse sale, or horse auction in which there is shown, exhibited, sold, or auctioned any horse which is sore.

The sponsoring organization or the horse show, horse exhibition, horse sale, or horse auction manager shall identify all horses that are sore or otherwise in violation of the Act and its regulations, and cause such sore horses to be prohibited from partici-

pating or competing, and cause such horses to be removed from participation or competition in any horse show, horse exhibition, horse sale, or horse auction. Horses entered for sale or auction at a horse sale or horse auction must be identified as sore or otherwise in violation of the Act and its regulations prior to the sale or auction and prohibited from entering the sale or auction ring. Sore horses or horses otherwise in violation of the Act and its regulations that have been entered in a horse show or horse exhibition for the purpose of show or exhibition should be identified and excused prior to the show or exhibition. Any horses found to be sore or otherwise in violation of the Act and its regulations by a judge or other show management representative during actual participation in the show or exhibition, must be removed from further participation prior to the tyeing of the class or the completion of the exhibition. All horses tyed first in each class or event at any horse show or horse exhibition shall be inspected after being shown or exhibited to determine if such horse is sore or otherwise in violation of the Act and regulations.

(b) Alternatively: (1) The sponsoring organization, or the horse show, horse exhibition, horse sale, or horse auction manager, shall designate and appoint a Designated Qualified Person (DQP) to inspect horses and shall accord said DQP the small access to all records and areas of the grounds of such show, exhibition, sale, or auction and right to inspect horses and records as is accorded to any Veterinary Services representative. Further, management shall not take any action which would interfere with or influence said DQP in carrying out his duties or making decisions concerning whether or not any horse may be permitted to be shown, exhibited, sold or auctioned. In the event management is dissatisfied with the performance of a particular DQP, including disagreement with decisions concerning excused or disqualified horses, management shall not dismiss or otherwise interfere with said DQP, during the DQP's appointed tour of duty. However, management should immediately notify, in writing, the Department[2] and the organization or association that licensed the DQP, as to why the performance of said DQP was inadequate or otherwise unsatisfactory. If management does not delegate absolute authority to the appointed DQP to excuse or disqualify any horse, management must take immediate action to disqualify or excuse any horse the DQP has recommended to be disqualified or excused. Should management fail to disqualify or excuse any horse the DQP has recommended to be disqualified or excused due to an apparent violation, said management shall assume full responsibility for and liabilities arising from the showing, exhibition, sale, or auction of said horse.

(2) the DQP shall physically inspect all horses entered for sale or auction and all horses entered in any animated gait class (whether under saddle, horse to cart, or otherwise), and all horses entered for exhibition before they are admitted to be shown, exhibited, sold, or auctioned, any every such horse tyed first in its class or event at any horse show, horse exhibition, horse sale, or horse auction to determine whether any horse entered for show, exhibition, sale, or auction is sore, abnormally sensitive, illegally shod, in violation of the Scar Rule, or otherwise in violation of the Act and its regulations. Such physical examination may be conducted in any manner deemed necessary by the DQP in order to determine whether any such horse is sore or otherwise in violation of the Act and regulations. The DQP shall observe the horses in the warm-up ring and during actual performances whenever possible, and shall inspect any horse at any such other time as he deems necessary to determine whether any horse shown, exhibited, sold, or auctioned is sore or otherwise in violation of the Act and regulations.

(3) The DQP shall report, to the management of any horse show, horse exhibition, horse sale, or horse auction, any horses which the DQP has excused or recommended be excused for being sore, abnormally sensitive, illegally shod, in violation of the Scar Rule, or otherwise in violation of the Act and regulations. Such report shall be made whenever possible before the show class or exhibition involving said horse has began or before said horse is offered for sale or auction.

(c) The show, exhibition, sale, or auction manager shall immediately cause to be removed from showing, exhibition, sale, or auction, all horses identified by the DQP as sore, all horses otherwise known to be sore, and all horses otherwise known to be in violation of the Act or regulations.

§ 11.21 Records required, and disposition thereof.

(a) The sponsoring organization and the show manager of any horse show, horse exhibition, horse sale, or horse auction shall maintain for a period of 90 days following the closing date of said show, exhibition, sale, or auction, all pertinent records containing:

(1) The dates and place of the horse show, horse exhibition, horse sale, or horse auction.

(2) The name and address (including street address or post office box number and ZIP code) of the sponsoring organization.

(3) The name and address of the horse show, exhibition, horse sale or horse auction manager.

(4) The name and address (including street address or post office box number and ZIP code) of the DQP, if any, employed to conduct inspections under § 11.20; and, the name of the horse industry organization or association certifying the DQP if the DQP is not a Doctor of Veterinary Medicine.

(5) The name and address (including street address or post office box number, and ZIP code) of each show judge.

(6) A copy of each class or sale sheet containing the names of horses, the names and addresses (including street address, post office box and ZIP code) of horse owners, the exhibitor number and class number, or sale number assigned to each horse, the show class or sale lot number, and the name and address (including street address, post office box, and ZIP code) of the person paying the entry fee and entering the horse in a horse show, horse exhibition, horse sale, or horse auction.

(7) A copy of the official horse show, horse exhibition, horse sale, or horse auction program, if any such program has been prepared.

(8) The identification of each horse, including the name of the horse, the name and address (including street address, post office box, and ZIP code) of the owner, the trainer, the rider or other exhibitor, and the location (including street address, post office box, and ZIP code) of the home barn or other facility where the horse is stabled.

(b) The sponsoring organization or manager of any horse show, horse exhibition, horse sale or horse auction shall designate a person to maintain the records required in this section.

(c) The sponsoring organization or manager of any horse show, horse exhibition, horse sale, or horse auction shall furnish to any Veterinary Services representative, upon request, the name and address (including street address, or post office box, and ZIP code) of the person designated by the sponsoring organization or manager to maintain the records required by this section.

(d) The Deputy Administrator may, in specific cases, require that a horse show, horse exhibition, horse sale, or horse auction records be maintained by the sponsoring organization for a period in excess of 90 days.

§ 11.22 Inspection of records.

(a) The sponsoring organization, manager, or any designee thereof, of any horse show, horse exhibition, horse sale, or horse auction shall permit any Veterinary Services representative, upon request and proper identification, to examine and make copies of any and all records required in any part of the regulations, during ordinary business hours or such other

[2]Same as previous footnote 2.

times as may be mutually agreed upon. A room, table, or other facilities necessary for proper examination of such records shall be made available to the Veterinary Services representative.

(b) Horse industry organizations or associations who train, maintain, and certify DQP programs shall permit any Veterinary Services representative, upon request and proper identification, to examine and copy any and all records relating to the DQP program and required by any part of the regulations. Such requests shall be made during ordinary business hours or such other times as mutually agreed upon. A room, table, or other facilities necessary for proper examination shall be made available upon the request of a Veterinary Services representative.

§ 11.24 Reporting by management.

Within 72 hours following the conclusion of any horse show, horse exhibition, horse sale, or horse auction, the management of such show exhibition, sale, or auction shall submit to the Area Veterinarian in Charge[1] for the State in which the show, exhibition, sale, or auction was held, the information required by § 11.7(d)(A) and § 11.21(a)(6) for each horse excused or disqualified by management or their representatives, and the reasons for such action.

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses affecting commerce.

(a) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, any horse with reason to believe such horse may be shown, exhibited, sold or auctioned at any horse show, horse exhibition, horse sale, or horse auction, shall allow and assist in the inspection of such horse to determine compliance with the Act as provided in § 11.4 of the regulations and shall furnish to any Veterinary Services representative upon his request the following information:

(1) Name and address (including street address, post office box and ZIP code) of the horse owner and of the shipper, if different from the owner or trainer.

(2) Name and address (including street address, post office box, and ZIP code) of the horse trainer.

(3) Name and address (including street address, post office box, and ZIP code) of the carrier transporting the horse, and of the driver of the means of conveyance used.

(4) Origin of the shipment and date thereof, and,

(5) Destination of shipment.

§ 11.41 Reporting required of horse industry organizations or associations.

Each horse industry organization or association which sponsors, or which sanctions any horse show, horse exhibition, horse sale, or horse auction, shall furnish the Department[2] each season with all such organization or association rulebooks and disciplinary procedures applicable to such horse shows, horse exhibitions, horse sales or horse auctions. Exhibitors, trainers, and owners of horses at such shows, exhibitions, sales, or auctions, should be furnished such rulebooks and information relating to disciplinary procedures. Each horse industry organization, or association shall furnish the Department[2] with a quarterly report of all disciplinary actions, and the results thereof, taken by such organization or association against the management of any horse show, horse exhibition, horse sale, or horse auction, any exhibitor, or any DQP.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 703, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m. Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April 1978.

NOTE.—The Animal and Plant Health Inspection Services 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. However, an economic impact statement has been drafted and a copy of said draft statement may be obtained by writing to the Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-11705 Filed 4-27-78; 8:45 am]

[1]Same as previous footnote 1.

[2]Same as previous footnote 2.

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HERBERT HOOVER

1929	$13.30	1931	$14.00
1930	$16.00	1932–33	$17.25

HARRY S. TRUMAN

1945	$11.75	1949	$11.80
1946	$10.80	1950	$13.85
1947	$11.15	1951	$12.65
1948	$15.95	1952–53	$18.45

DWIGHT D. EISENHOWER

1953	$14.60	1957	$14.50
1954	$17.20	1958	$14.70
1955	$14.50	1959	$14.95
1956	$17.30	1960–61	$16.85

JOHN F. KENNEDY

1961	$14.35	1962	$15.55
		1963	$15.35

LYNDON B. JOHNSON

1963–64 (Book I)	$15.00	1966 (Book II)	$14.35
1963–64 (Book II)	$15.25	1967 (Book I)	$12.85
1965 (Book I)	$12.25	1967 (Book II)	$11.60
1965 (Book II)	$12.35	1968–69 (Book I)	$14.05
1966 (Book I)	$13.30	1968–69 (Book II)	$12.80

RICHARD NIXON

1969	$17.15	1972	$18.55
1970	$18.30	1973	$16.50
1971	$18.85	1974	$12.30

GERALD R. FORD

1974	$16.00	1975 (Book I)	$13.50
		1975 (Book II)	$13.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402