

TUESDAY, MAY 23, 1978



highlights

FEDERAL REGISTER WORKSHOPS

DENVER, COLORADO AND SEATTLE, WASHINGTON

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

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

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

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

DENVER, COLORADO

WHEN: June 15 and 16, 1978, at 9 a.m.
(Each session identical).

WHERE: Room 269, U.S. Post Office Building, 1823 Stout Street, Denver.

RESERVATIONS: Call Liz Stout, Area Code 303-837-3602.

SEATTLE, WASHINGTON

WHEN: June 16, 1978, at 9 a.m.

WHERE: South Auditorium, 4th Floor, Federal Building, 915 2nd Avenue, Seattle.

RESERVATIONS: Call Patrick Brito or Susan Fuller, Area Code 206-442-4905.

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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

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

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FEDERAL REGISTER, VOL. 43, NO. 100—TUESDAY, MAY 23, 1978

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**.

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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.

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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is

not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: May 18, 1978]

H.J. Res. 859 Pub. L. 95-282
Making supplemental appropriations for the United States Railway Association for the fiscal year ending September 30, 1978, and for other purposes. (May 19, 1978; 92 Stat. 248) Price \$.50

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[3195-01]

Title 3—The President

PROCLAMATION 4572

Prayer for Peace Memorial Day, May 29, 1978

By the President of the United States of America

A Proclamation

We pause at this time of year to remember those who sacrificed their lives over the last two centuries to preserve America's freedoms.

We honor them today for their faith in the principles of liberty and justice which motivated our founding fathers, and must motivate us today.

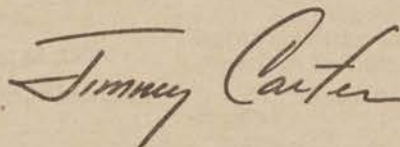
The highest tribute we can pay those who fought and sometimes died for our country is to strengthen in time of peace those values for which they struggled in time of war.

Let us pray for peace, but let us also vow that, if the test of unavoidable combat should ever come again, we will meet it with courage, and devotion to our country.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Memorial Day, May 29, 1978, as a day for all Americans to join together in prayer for lasting peace. To that end, I designate the hour beginning in each locality at 11 o'clock on the morning of that day as the appropriate time for the American people to unite in prayer.

I call upon the appropriate officials of all levels of government to fly the flag at half-staff until noon during Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I request the people of the United States to display the flag at half-staff from their homes and other suitable places for the same customary forenoon period.

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



[FR Doc. 78-14542 Filed 5-19-78; 4:11 pm]

Memorial Day May 30 1978

Prayer for Peace

As we gather here today to observe Memorial Day, we are reminded of the sacrifices made by our countrymen in the past and the responsibility we have to maintain peace and justice for all.

We pray for peace in our world, for the end of all wars and conflicts, and for the well-being of all people. We pray for the wisdom and courage of our leaders, and for the unity and harmony of our nation.

We pray for the healing of our wounds, for the reconciliation of our enemies, and for the triumph of good over evil. We pray for the freedom and dignity of all people, and for the establishment of a just and peaceful world.

We pray for the strength and faith of our people, and for the guidance of our God. We pray for the love and compassion of all hearts, and for the peace that only God can give.

rules and regulations

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Energy, Equal Employment Opportunity Commission, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

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

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 632-4533.

Accordingly, 5 CFR 213.3331(n)(3), 213.3377(m) and 213.3384(a)(45) are added as set out below:

§ 213.3331 Department of Energy.

* * *

(n) *Office of the Assistant Secretary for International Affairs.* * * *

(3) One Confidential Assistant (Secretary) to the Principal Deputy Assistant Secretary for International Affairs.

* * *

§ 213.3377 Equal Employment Opportunity Commission.

* * *

(m) One Special Assistant to the Director, Office of Systemic Programs.

* * *

§ 213.3384 Department of Housing and Urban Development.

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

(45) One Special Assistant to the Secretary for Indian and Alaska Native Programs.

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

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

[FR Doc. 78-14318 Filed 5-22-78; 8:45 am]

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: The delegations of authority of the Department of Agriculture are amended to transfer the authority to coordinate the Department's programs involving assistance to American Indians from the Assistant Secretary for Administration to the Assistant Secretary for Rural Development. The Assistant Secretary for Rural Development will coordinate this area with other Assistant Secretaries who have responsibilities for programs affecting Indians.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Preston Davis, Office of the Assistant Secretary for Administration, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3881.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.23 is amended by adding a new paragraph (f) to read as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

* * *

(f) *Related to Indian affairs.* Coordinate the Department's programs involving assistance to American Indians except civil rights.

2. Section 2.25 is amended by revising paragraph (h)(1) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * *

(h) *Related to equal opportunity.* (1) Coordinate all aspects of the Department's Civil Rights program.

* * *

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

3. Section 2.80 is amended by revising paragraph (a)(9) to read as follows:

§ 2.80 Director, Office of Equal Opportunity.

(a) * * *

(9) Coordinate Department civil rights activities involving assistance to American Indians.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For Subpart C, Dated May 17, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary of Agriculture.

For Subpart J, Dated May 17, 1978.

JOAN S. WALLACE,
Assistant Secretary for Administration.

[FR Doc. 78-14343 Filed 5-22-78; 8:45 am]

[3410-02]

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

[Lime Reg. 38, Amdt. 1; Lime Reg. 6, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

PART 944—FRUITS; IMPORT REGULATIONS

Grade and Size Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action extends the minimum grade and size requirements for fresh Florida limes and for imported limes beyond June 23, 1978, the date current requirements would otherwise end. Such action is needed to provide for orderly marketing of limes in the interest of producers and consumers.

EFFECTIVE DATE: June 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 23, 1978, notice of proposed rulemaking was published in the *FEDERAL REGISTER* (43 FR 18182), regarding a proposed amendment to the regulation to be made effective pursuant to the marketing agreement and Order No. 911, both as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The domestic regulation was recommended by the Florida Lime Administrative Committee established pursuant to the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amended regulation for imported limes is effective pursuant to section 8e of the act, which makes such regulation mandatory.

The notice allowed interested persons until May 12, 1978, to submit written comments for consideration in connection with the proposed amended regulations. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee, and other available information, it is hereby found and determined that the amended regulations, as hereinafter set forth, are in accordance with the provisions of the

amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of the amended regulations until 30 days after publication thereof in the *FEDERAL REGISTER* (5 U.S.C. 553) because of insufficient time between the date when information became available upon which the regulations 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 for Florida limes at an open meeting and thereafter on the regulations for Florida and imported limes with respect to the April 28, 1978, notice of proposed rulemaking. 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.

Accordingly, it is found that the provisions of paragraph (a) of § 911.340 (Lime Regulation 38; 43 FR 16149) and paragraph (a) of § 944.205 (Lime Regulation 6; 43 FR 16149) should be and hereby are 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:

§ 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:

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

Dated May 18, 1978, to become effective June 24, 1978.

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

[FR Doc. 78-14344 Filed 5-22-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1510—REQUIREMENTS FOR RATTLES

Banning of Hazardous Articles and Establishment of Safety Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues mandatory safety requirements for rattles in the form of a regulation banning rattles which do not have ends of a sufficient size. The regulation is designed to address choking and suffocation hazards associated with rattles by ensuring that a rattle cannot project into an infant's throat to a depth that could cause choking.

EFFECTIVE DATE: The regulation is effective August 21, 1978. The regulation is applicable to all rattles introduced into interstate commerce on or after that date.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In the *FEDERAL REGISTER* of November 18, 1977 (42 FR 59511), the Consumer Product Safety Commission (CPSC) proposed for public comment a regulation (16 CFR Part 1510) prescribing safety requirements for infant rattles and a regulation (16 CFR 1500.18(a)(15)) declaring as banned hazardous substances, rattles not meeting such safety requirements. The proposed regulation is intended to address choking and suffocation hazards associated with rattles by ensuring that a rattle cannot project into an infant's throat to a depth that could cause choking.

The Commission proposed the banning and safety requirements pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261). Section 2(f)(1)(D) provides for the classification of any toy or other article intended for use by

children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard. In addition, section 2(q)(1)(A) of the FHSA provides that such toy or article is automatically a banned hazardous substance. "Mechanical hazard" is defined by section 2(s) of the act, which reads in part:

An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness * * * (7) Because the article (or any part or accessory thereof) may be aspirated or ingested. * * * or (4) because of any other aspect of the article's design or manufacture.

The need for the proposed regulation was demonstrated by injury data and death reports. At the time of the proposal, the Commission staff had identified, through indepth investigations as well as consumer complaints and death certificates, 8 choking deaths and 10 non-fatal choking incidents involving the lodging of small rattles in the throats of infants. After a review of public comments on the proposal, the Commission staff can now document a total of ten choking deaths dating as far back as 1943, and occurring as recently as 1977. The Commission now has reports of a total of 19 incidents in which infants choked but did not suffocate because the rattle was promptly removed by an adult.

Based upon a review of the injury data, the Commission concluded in the proposal document that certain rattles can cause choking and suffocation in infants because their size or design permits them to be forced (as by an infant falling with its face down) or sucked into an infant's mouth and become lodged in the throat. The Commission studied the requirements and technical rationale supporting a recent Canadian rattle regulation and concluded that the test fixture used in that regulation was a reasonable and appropriate method of addressing the choking hazard. The Commission, therefore, proposed to adopt the dimensions of the Canadian test fixture in its own banning regulation. (A copy of the Canadian rattle regulation issued on June 23, 1977 under its Hazardous Products Act is on file at the Office of the Secretary of the Commission. The technical data supporting that regulation are discussed in the Commission's proposal document and are incorporated herein by reference.)

THE PROPOSAL

Proposed part 1510 consists basically of a definition of a rattle and a test procedure with safety requirements for rattles. In the proposal a rattle is defined as "an infant's toy, intended to be handheld, usually containing

pellets or other small objects and which produces sounds when shaken." The proposed test procedure uses a fixture having a cavity with opening dimensions of 1.968 x 1.378 inches (50 x 35 millimeters). The test procedure provides that the rattle is inserted in this opening, and if any part of the rattle can penetrate and contact the lower plate in the cavity (1.181 inches (30 millimeters) below the opening), the rattle fails the test. The test procedure also provides that the rattle is to be tested after performing several of the use and abuse tests of § 1500.51 of the Commission's regulations under the FHSA. The tests under this section are designed to simulate the use and abuse of toys and other articles intended for use by children 18 months of age or less. The purpose of prescribing these additional procedures before the fixture test is to ensure that no component of a rattle released as a result of the use and abuse tests presents a choking hazard.

COMMENTS ON THE PROPOSAL

The proposal of November 18, 1977, invited interested persons to submit written comments on or before December 19, 1977. This comment period was extended at the request of an interested party until January 3, 1978, by publication of a notice in the FEDERAL REGISTER. (42 FR 63899.) A total of 21 comments were received: 15 from concerned citizens, 1 from a visiting nurses' association, 1 from a local consumer protection bureau, 3 from manufacturers, and 1 from a retailer.

Nearly all of the commenters expressed support for the banning regulation. Thirteen of the concerned citizen commenters agreed with the proposed ban and eleven mentioned specific choking or suffocation incidents involving members of their families or neighbors as the basis of their support. The local consumer protection bureau and the visiting nurses' association also favored the ban, and the consumer protection bureau noted that it had requested local stores to voluntarily withdraw from sale the rattles covered by the proposed ban.

Two concerned citizens felt that manufacturers should not be required to redesign their infant rattles and that the individual parent should accept responsibility to supervise infant play. One of these commenters suggested that a warning label be required on small rattles indicating that parental supervision is necessary.

The Commission notes that an infant's natural tendency is to put any object in its mouth and that infants may be expected to play with a simple toy such as a rattle without constant, direct supervision. In addition, the Commission points out that the nature of the hazard associated with small rattles is such that it may cause

death to an infant. The Commission, therefore, concludes that nothing short of a ban of hazardous rattles will adequately protect children from the risk of injury.

The comments from the three manufacturers and one retailer indicated support of the intended purpose of the proposed regulation, but noted certain technical and language difficulties. The issues and criticism raised by these commenters and the Commission's responses are as follows:

1. DEFINITION OF A RATTLE

Three commenters requested clarification of the definition of a rattle contained in the proposal on the basis that it did not accurately describe the range of products which would fall within the scope of the ban. The commenters noted that certain stuffed toys with noisemakers inside, play keys on a ring, or games that contain parts which produce noise when shaken might be considered rattles within the definition. Two commenters suggested that an age range be added to clarify the definition. One commenter recommended that the definition more closely describe the type of rattles which have been involved in the reported incidents.

It was never the intention of the Commission to include such items in the scope of this banning regulation. While the Commission believes that the product category "rattle" has a commonly understood definition which does not include items such as stuffed toys or games, the Commission has decided that to avoid any possibility of confusion, the proposed definition should be revised to add the following list of examples of products which are not covered by the regulation: dolls, stuffed animals, crib exercisers, crib mobiles, pull toys, shoe lace holders, bells (not part of the noise-making component of a rattle), plastic keys, games, puzzles, and musical instruments such as tambourines, castanets, and maracas. (Note: This list is not all-inclusive, but merely specifies the type of products not intended to be included within the banning regulation.) Because the Commission has revised the definition to exclude such products, and the product category subject to the regulation should now be clear, the Commission does not believe it is necessary to specify the intended user of the regulated product. Therefore, the Commission has not included an age range in its rattle definition because the Commission does not believe the inclusion would add any clarity.

As to the suggestion that the definition should more closely describe the type of rattles involved in actual incidents, the Commission recognizes that the proposed ban originated because small telephone, dumbbell, safety pin,

and clothespin rattles were associated with infant deaths and serious injuries. However, the Commission has found that other designs and shapes such as the traditional "lollipop" design present the same hazard. Furthermore, because of the limited information available on the actual mechanism of choking in infants and statistically valid anthropometric data for the infant oral pharyngeal area, the Commission has decided that these requirements should serve to prohibit the sale of any rattle which can project into the throat of an infant, not merely certain previously identified sizes and shapes.

These safety requirements are intended to serve as designing and manufacturing criteria to eliminate this choking and suffocation hazard from future products as well as those current designs available in the marketplace.

The Commission believes that it has responsibility to act in a reasonable manner and at the same time act on the side of safety when establishing requirements for a product which may cause death to the user.

One commenter suggested that pacifiers be specifically excluded from the rattle requirements because the hazards of pacifiers are addressed in a separate regulation. (See 16 CFR Part 1511; 42 FR 33276.) The same commenter noted that the word "usually" is a source of confusion in the proposed rattle definition at § 1510.3, which states, in part, that rattles "usually" contain "pellets or other small objects." The commenter recommended that the word be removed.

The Commission declines to make either suggested change. As to a specific exclusion for pacifiers, the Commission notes that a pacifier cannot reasonably be mistaken for a rattle. The Commission further believes that rattles and pacifiers have sufficient distinguishing characteristics to prevent any confusion as to which set of requirements the product must meet. In response to the second comment, the Commission notes that the intent of the word "usually" in the definition is to include rattles in the ban that may have the noise-maker removed, but still present the same choking hazard as those which contain it.

2. RATTLE TEST FIXTURE

One commenter expressed concern over differences between the proposed rattle test fixture and the test fixture contained in the Canadian regulation. The commenter noted that the opening of the Canadian fixture extends completely through the block, whereas the opening in the Commission's proposed test fixture extends only partially through the block. The commenter stated that the Canadian template with its full opening is more ac-

curate to use than the Commission's because the Canadian fixture could be placed on a flat surface coated with dye and any rattle that picks up a stain could easily be rejected as failing the test. In addition, the commenter noted that the Canadian test fixture would be less expensive to make because it is easier to cut a hole completely through a block rather than milling a "blind hole" to the required 1.181 inch (30 mm) depth. The same commenter also requested that the dimensions on the Commission's test fixture include tolerances such as those listed in the Canadian regulation.

The Commission agrees with this commenter that because the cavity in the fixture contained in the proposal is not a "through hole", there could be instances in which it would be more difficult to determine whether a rattle was or was not in compliance. Therefore, the Commission has changed the fixture which appeared in the proposal so that it contains a through hole (see figure 1 below). As to the issue of tolerances, the Commission believes that such tolerances serve only to introduce a band of uncertainty to the results of a test for compliance. For example, if the size of the entrance to the cavity in the Commission's rattle test fixture is manufactured to the upper limit of a tolerance and the size of a manufacturer's fixture is at the lower limit of a tolerance, a manufacturer could believe his rattles meet the requirements of the regulation while they may, in fact, fail if tested in the Commission's fixture. To avoid such uncertainty in test results, the Commission declines to include tolerances in the rattle requirements. The Commission notes that it will manufacture its test fixture and perform the compliance test in a manner such that any rattle failing the compliance test clearly is not in conformance with the intent of the requirements of Part 1510. The language of section 1510.4 of the final rule is that "the measurements of the opening of the Commission's test fixture will be no greater than those shown in figure 1 and the depth of the fixture used will be no less than that shown in figure 1."

3. STERLING SILVER RATTLES

One commenter, a manufacturer of silver products including sterling silver rattles, stated that the proposed requirements would increase the price of silver rattles from \$5 to \$8 each, from present prices of \$9.75, \$17.50, and \$21.50. The commenter, therefore, requested separate treatment for silver rattles, noting that none of the reported incidents involved a sterling silver rattle.

The Commission points out that a silver rattle was included among the choking incidents reported in the preamble to the proposed regulation, and

a second incident involving a silver rattle was reported by one of the commenters. While the Commission appreciates the cost and price effects of the regulation on manufacturers of silver as opposed to plastic rattles (see the section of this preamble below entitled Economic Considerations), the Commission believes silver rattles present the same potential hazard as other rattles and therefore, declines to exempt the items from the requirements of Part 1510. The Commission also notes that silver rattles are generally purchased as special gift items and may be regarded as heirlooms. Therefore, the Commission believes many purchasers may be willing to buy at higher prices or may substitute other silver gift products such as spoons. As indicated below, the firms which manufacture silver rattles also generally manufacture other silver products, and rattles comprise only a small percentage of their total sales.

4. EFFECTIVE DATE

A retailer requested that the effective date of the final banning regulation be 120 days after publication in the FEDERAL REGISTER to allow for necessary retooling, rather than 90 days as proposed.

The Commission notes that since the Canadian regulation has been in effect for over 6 months and products for both the Canadian and American markets are manufactured by many of the same suppliers, some complying rattles are already part of manufacturers' product lines. Given this circumstance, the lack of supporting evidence to demonstrate a need for a longer lead time and the fact that the nature of the hazard is such that it may cause death to an infant, the Commission believes that the proposed 90 day effective date is appropriate.

The regulation is applicable to all rattles introduced into interstate commerce on or after that date. For purposes of the regulation, introduction into interstate commerce is defined as follows: A rattle manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A rattle manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate.

ECONOMIC EFFECTS

1. PLASTIC RATTLES

Manufacturers of plastic rattles are part of the infant products industry and are generally involved in a number of different product lines. The Toy Manufacturers Association (TMA) estimates that 45 million plastic rat-

ties are sold annually, with a manufacturer's selling value of \$9.4 million. These rattles are low cost, high volume items, generally retailing for between \$.26 and \$.69 each. In addition, there are some new, larger designs which retail for \$.79 to \$1.50 each.

The majority of American firms in the rattle business import their rattles from the Orient because of the lower production costs. In the U.S. approximately 5 firms manufacture plastic rattles.

Plastic rattles are manufactured by injection molding. In the Orient, molds have only a few cavities and cost an average of \$3,000. In the U.S., molds contain many cavities and cost approximately \$12,000 to \$14,000 each. The foreign producers of plastic rattles that supply both the Canadian and American markets have already begun to modify or change their molds to meet the Canadian standard. To comply with this regulation, retooling costs will be incurred by the foreign suppliers for molds which they own and by American firms for foreign and domestic molds they own. In some cases only the mold for the handle will have to be changed at an estimated cost of \$1,000 to \$1,500 per handle mold. In other cases new designs will have to be conceived and additional new molds will have to be made. In addition to design and acquisition costs for new molds, other retooling costs include the costs of equipment for assembling and decorating the rattles. Also small additional costs may be incurred for packaging. Rattle manufacturers may choose to order new packaging so as to distinguish complying from non-complying rattles.

The changes that will be necessary to comply with the new regulation will probably result in increased retail prices for plastic rattles. The Commission staff estimates, however, that in most cases the item price of plastic rattles will only increase \$.05 to \$.10 each. Therefore, most plastic rattles will remain inexpensive. In addition, the increased amount of plastic will not add significant weight and adversely affect the utility of these products. The Commission does not expect that sales of these products will change significantly as a result of price or product changes. While sales of rattles may decrease slightly with increased prices, the Commission believes exposure to rattles will still remain high in comparison to other toys and children's products.

2. SILVER RATTLES

Sterling silver rattles are manufactured domestically. Commission staff have identified 11 firms that make these rattles. The majority of the firms manufacture other fine silver products and speciality items.

Less than one percent of the number of all rattles sold annually are silver. In contrast to the plastic rattles, these products are high cost, low volume items retailing for between \$9 and \$25.

The manufacturing process for silver rattles combines stamping and soldering and requires the use of dies, presses, and striking and trimming tools. Estimates of the cost for new tools and dies range from \$1,500 to \$4,000 per rattle design. Additional costs for development and new capital equipment may also result. As a result of the new size requirements, there will be substantial increases in the amount of silver needed. All of these costs will be reflected in the retail prices.

While a price increase of from \$5 to \$8 per rattle, as estimated by one manufacturer, may cause sales to decline, the Commission believes that many purchasers may be willing to buy at the higher prices since silver rattles tend to be purchased as special gift items or as heirlooms. In any event, the Commission does not believe the economic impact of this regulation will be overly burdensome to most silver rattle producing firms because silver rattles are generally a small percentage of total sales.

The Commission staff economic analysis is available from the Office of the Secretary.

ENVIRONMENTAL EFFECTS

The Commission has concluded that the rattle regulation will have no significant effects on the environment and that no environmental impact statement is necessary. The factors leading to this determination are set forth in an environmental assessment of the regulation which is on file with and available from the Commission's Office of the Secretary.

CONCLUSION

Based on the information available to the Commission, including information contained in the public comments, the Commission believes that the design of certain infant rattles (specifically the size of the rattle ends) enables the rattles to become lodged in the throats of infants, thereby presenting an unreasonable risk of personal injury to infants from choking or suffocation. The Commission finds that such rattles, in accordance with sections 2(s) and 2(f)(1)(D) of FHSA, present a mechanical hazard and should be classified as hazardous substances. Consequently, pursuant to section 2(q)(1)(A) of the FHSA, the Commission finds that such rattles must be banned from interstate commerce. In so finding, the Commission has considered the economic effects of the banning and safety requirements set forth below and has concluded that with respect to plastic rattles, nei-

ther the sales nor utility of these products will be adversely affected. While the retail price of silver rattles may rise substantially, rattles are generally a small percentage of total sales for affected silver rattle-producing firms, and purchasers may be willing to buy at the higher prices since the rattles are generally purchased as special gift items or heirlooms. After considering the severe nature of the risk of injury presented by certain plastic and silver infant rattles, the Commission concludes that this risk of injury clearly outweighs any effects of the rule on the cost, utility, and availability of infant rattles.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 1304-05, 83 Stat. 187-189; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends Title 16, Chapter II, Subchapter C by adding a new paragraph (a)(15) to § 1500.18 as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of § 2(f)(1)(D) of the act and pursuant to provisions of § 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of § 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(15) Any rattle (as defined in § 1510.2 of this chapter) that is introduced into interstate commerce on or after August 21, 1978, and that does not comply with the requirements of Part 1510 of this chapter. For purposes of the regulation, introduction into interstate commerce is defined as follows: A rattle manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A rattle manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate.

Part 1510 is added to read as follows:

Sec.
1510.1 Scope and purpose of Part 1510.
1510.2 Definition.

Sec.

1510.3 Requirements.
1510.4 Test procedure.

AUTHORITY: Secs. 2 (f)(1)(D), (q)(1)(D), (s), 3(e)(1), 64 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).

§ 1510.1 Scope and purpose of Part 1510.

This Part 1510 sets forth the requirement whereby rattles (as defined in § 1510.2) are not banned articles under § 1500.18(a)(15) of this Chapter. The purpose of these requirements is to ensure that certain infant rattles which may cause choking and/or suffocation because their design or construction permits them to enter into an infant's mouth and become lodged in the throat are eliminated from interstate commerce.

§ 1510.2 Definition.

For the purposes of this Part 1510, a rattle is an infant's toy, intended to be hand held, usually containing pellets or other small objects and which produces sounds when shaken. Examples of products which may have similar noisemaking characteristics but which are excluded from the scope of this definition are: dolls, stuffed animals, crib exercisers, crib mobiles, pull toys, shoe lace holders, bells which are not part of the noisemaking component of a rattle, plastic keys or other figures on loops or chains which produce sound by striking together, games, puzzles and musical instruments such as tambourines, castanets, and maracas.

§ 1510.3 Requirements.

No portion of a rattle, when tested in accordance with the procedure of § 1510.4 below, shall be capable of entering and penetrating to the full depth of a cavity in a test fixture with dimensions shown in figure 1. (In determining these dimensions for compliance purposes, the English measurements shall be used. Metric equivalents are included for convenience.) Rattles shall meet this requirement both before and after performing the use and abuse tests of § 1500.51 of this Chapter (excluding the bite and flexure tests of paragraphs (c) and (d)).

§ 1510.4 Test procedure.

Place the test fixture shown in Figure 1 on a horizontal plane surface. Under its own weight and in a non-compressed state apply any portion of the test sample in the most adverse orientation to the opening in the test fixture. Repeat this procedure after performing the use and abuse tests of § 1500.51 (excluding the bite and flexure tests of paragraphs (c) and (d) of this section). In testing to ensure compliance with this regulation, the measurements of the opening of the Commission's test fixture will be no greater

than those shown in Figure 1 and the depth of the fixture used will be no less than that shown in Figure 1.

Dated: May 16, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

CAVITY CENTERED WITHIN FIXTURE

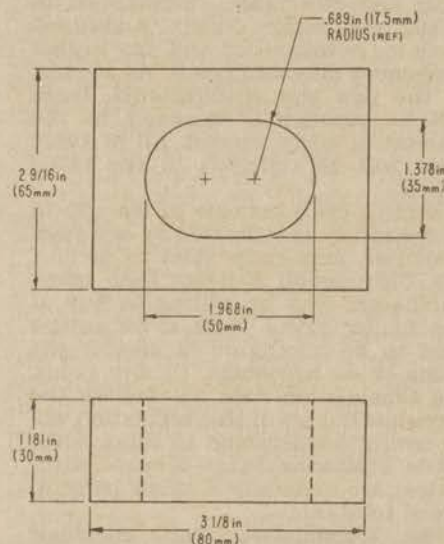


FIG 1—RATTLE TEST FIXTURE

[FR Doc. 78-14166 Filed 5-22-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Re Delegations of Authority From the Commissioner of Food and Drugs

INVESTIGATIONAL DEVICE EXEMPTIONS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority and organization. Certain investigational devices have been regulated as investigational new drugs and are subject to transitional provisions

in the Medical Device Amendments of 1976. The authority delegated to the Director of the Bureau of Medical Devices is expanded to include actions concerning investigational exemptions which apply to these devices. The new authority will permit an orderly transfer of control over classes of devices previously regulated as drugs from the Bureau of Biologics and Drugs to the Bureau of Medical Devices.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The Bureau of Medical Devices has already assumed control over one class of investigational devices, vascular grafts of animal and human origin, which have been regulated as new drugs. Manufacturers of these products have been notified that the Bureau of Medical Devices is now the principal contact point for these products. The regulation setting forth the delegations of authority under the investigational device provisions of the Medical Device Amendments of 1976 under Part 5 (21 CFR 5.59) was published in the FEDERAL REGISTER of August 2, 1977 (42 FR 39100).

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 5.59 is revised to read as follows:

§ 5.59 Approval, disapproval, or withdrawal of applications for investigational device exemptions and termination of certain notices of claimed investigational exemption for a new drug.

The Director of the Bureau of Medical Devices is authorized to approve, disapprove, or withdraw applications for investigational device exemptions submitted under section 520(g) of the Federal Food, Drug, and Cosmetic Act; and terminate notices of claimed investigational exemption for a new drug under 21 CFR Part 312 which apply to transitional devices which are subject to the provisions of section 520(l) of the act.

Effective date. This regulation shall be effective May 23, 1978.

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

Dated: May 15, 1978.

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

[FR Doc. 78-14223 Filed 5-22-78; 8:45 am]

[4110-03]

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 77N-0102]

PART 201—LABELING

**Thyroid, Digitalis, and Related Drugs
for Human Use; Required Boxed
Warnings**

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule requires that the physician labeling for thyroid, digitalis, and related drugs contain a boxed warning against the use of the drugs for the treatment of obesity. This action is being taken because the drugs have been promoted and advertised for, and continue to be used in, the treatment of obesity, but their safety and effectiveness for that use has never been established. The action is intended to inform physicians of the serious and potentially life-threatening effects of such use of the drugs.

EFFECTIVE DATE: July 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael C. McGrane, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of May 27, 1977 (42 FR 27262), the Commissioner of Food and Drugs proposed that labeling for drugs with thyroid hormone activity and labeling for digitalis and other related cardiotonic drugs be required to bear a boxed warning against using the drugs to treat obesity. Interested persons were given 60 days to submit comments on the proposal.

Twelve comments were received on the proposal: six from manufacturers of drug products subject to the proposed rules, four from interested individual physicians, one from the American Society of Bariatric Physicians, and one from the Pharmaceutical Manufacturer's Association. A summary of the comments and the Commissioner's conclusions regarding them are as follows:

1. One comment objected to the proposed boxed warnings on the grounds that the Food and Drug Administra-

tion (FDA) lacks the statutory authority to require a statement in drug labeling that warns against the use of a drug for an unapproved indication. The comment contended that FDA's authority to prescribe labeling statements is limited to requiring information on the safety and effectiveness of a drug for its labeled indications. Another comment claims that a final rule requiring boxed warnings for thyroid, digitalis, and related drugs would be an application of a notice of proposed rulemaking published in the FEDERAL REGISTER of April 7, 1975 (40 FR 15392), on the content and format of prescription drug labeling and, accordingly, would circumvent the notice and comment procedures required by the Administrative Procedure Act.

The Commissioner does not agree with these comments. As discussed fully in the preamble to the proposed revision of 21 CFR 1.3 (recodified as 21 CFR 1.21 in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) published in the FEDERAL REGISTER of September 16, 1974 (39 FR 33229), the law requires that labeling of drug products include warnings about both potential and verified hazards in the use of a drug, when available medical information justifies the warning. The Commissioner has found that thyroid, digitalis, and related drugs are dispensed or prescribed for the treatment of obesity, even though substantial evidence of the effectiveness of the drug products for that use has never been demonstrated, and the use of the drugs in the treatment of obesity may produce serious or even life-threatening toxicity. Because drug labeling is intended to advise physicians about potential hazards in the use of the drug and convey documented statements about its safety and effectiveness, the Commissioner concludes that there is no legitimate basis for limiting the labeling to hazards arising from the approved use of the drug product, particularly where large scale and dangerous unapproved use has been found.

The Commissioner also rejects the argument that finalizing the boxed warning requirements must await the finalization of the April 7, 1975 proposal on the general format and content of prescription drug labeling. The Commissioner does not view the required boxed warning under this final rule as conflicting with the FDA policy announced in the April 7 proposal. The April 7 proposal was not intended to establish new regulatory requirements. Instead, it proposed standards for the format and content of drug labeling to bring all prescription drug labeling up to the level of the best labeling. The Commissioner did not, however, intend to imply that FDA would defer the adoption of labeling requirements for boxed warnings for specific drugs when the need

for such labeling was clearly demonstrated. He believes a need has been demonstrated for a boxed warning in the labeling for thyroid, digitalis, and related drugs against their use for treating obesity. Accordingly, requirements with that specific objective were proposed on May 27, 1977; comments on the proposed requirements were received and evaluated, and a final regulation, again, on this specific objective, is promulgated by this notice. Accordingly, this final rule is not an application of the April 7, 1975 proposal, but is based on the proposal of May 27, 1977, and promulgation of this final rule is consistent with the Administrative Procedure Act.

2. Several comments observed that 21 CFR 201.100(f) and 202.1(e)(2)(i) of FDA's prescription drug labeling and advertising regulations prohibit reminder labeling and advertisements, other than those intended to convey price information, for prescription drug products whose labeling contains a boxed warning relating to a serious hazard associated with the use of the drug product. The comments asked whether the proposed boxed warnings would fall under those regulations and, thus, whether reminder advertising would be prohibited for thyroid, digitalis, and related drugs. Several comments contended that reminder labeling and advertisements for properly labeled thyroid, digitalis, and related drug products should not be prohibited just because some practitioners dispense or prescribe the drug products for the unapproved use of treating obesity. The comments suggested that the substance of the proposed warnings is well known and understood by reputable physicians, and the addition of the warnings to the labeling of the drug products would probably not reduce the improper prescribing of them for obesity. One comment argued that if boxed warnings are to be effective for communicating important hazards about the use of a drug, a boxed warning should only be used in a serious or life-threatening situation that might occur when the product is used for its labeled indications. The comment expressed concern that the effectiveness of the boxed warning concept would be destroyed if it is applied in inappropriate instances, such as to caution prescribers against unapproved uses of a drug.

The Commissioner disagrees with these comments. A boxed warning is properly used for serious or life-threatening hazards associated with the use of a drug. As stated in the preamble to the proposal, as well as in the boxed warnings themselves, using thyroid, digitalis, and related drugs to treat obesity has the potential for producing serious and possibly fatal toxicity. The continued practice of dispensing or prescribing these drugs for obe-

sity, together with the potentially serious hazard associated with the use for that indication, demands that a boxed warning against this use appear in their labeling and advertisements. For that reason the Commissioner also concludes that complete information must be given to physicians concerning the use of the drug products. Reminder labeling and advertisements fail to convey the important information concerning the serious and potentially life-threatening effects of the drugs and therefore inappropriate for thyroid, digitalis, and related drug products. Accordingly, the prohibitions in §§ 201.100(f) and 202.1(e)(2)(i) against reminder labeling and advertising for drug products whose labeling contains a boxed warning are properly applied to the thyroid, digitalis, and related drug products. Although the addition of a boxed warning may not end the improper use of these drug products in the treatment of obesity, it is another important step in ending the promotion of these drugs for that use and informing prescribers of its dangers.

3. Two comments suggested that the statements against the use of thyroid, digitalis, and related drugs in the treatment of obesity belong in the "Contraindications" section of the labeling rather than the "Warnings" section. Another comment suggested that the warning for thyroid drug products be placed under the "Indications and Usage" section of the labeling.

The Commissioner disagrees with these comments. The "Contraindications" section of prescription drug labeling is intended to inform physicians of circumstances under which a drug product is not to be used for its labeled indications. For example, the use of a drug product for the treatment of a specific condition for which it is indicated in its labeling may be contraindicated if the patient is hypersensitive to the drug. The "Indications and Usage" section of prescription drug labeling is intended to provide information on the use of a drug for those conditions for which it has been demonstrated to be safe and effective. Under certain circumstances, the "Indications" section may be required to contain a statement that the drug is ineffective for a use for which it is commonly prescribed. A serious hazard to patients from the use of a drug for an indication for which it has not been demonstrated to be effective, however, it more properly the subject of a warning in labeling to ensure that the prescriber is aware of the hazard.

4. One comment suggested that the word "used" be substituted for the word "promoted" in the first sentence of each boxed warning.

The Commissioner has concluded that the word "used" is more appropri-

ate in the context of these warnings. Advertising and labeling claims by persons responsible for the labeling of the drug products have not promoted their use for treating obesity for many years. The warnings have been revised accordingly.

The labeling in 21 CFR 310.500(e) for digoxin products for oral use requires a boxed warning identical to that proposed for the other digitalis and related cardiotonic glycosides. Because the substitution of the word "used" for the word "promoted" in the boxed warning under this final rule for digitalis and related cardiotonic glycosides causes that warning to differ from the digoxin boxed warning, the Commissioner has revised the final rule to clearly state that it does not apply to oral digoxin drug products. The Commissioner will consider revising the boxed warning for oral digoxin drug products to conform it to the warning for related cardiotonic glycosides when additional revisions to the digoxin labeling are necessary.

5. One comment objected to the proposed 60-day effective date for the labeling warnings. The comment observed that the problem of the unapproved use of the drug products in treating obesity has been recognized for many years and, accordingly, immediate action in the form of a boxed warning in labeling is not warranted. The comment observed that past experience has shown that the wording of labeling statements in final regulations usually differs from the proposed wording, so new labeling can be printed only after the final regulation is published. Thus, a 60-day effective date would result in the needless destruction of supplies of current labeling. The comment suggested that the effective date be 180 days from the date of publication of the final regulation.

The Commissioner does not agree with this comment. As stated in the proposal, only drug products packaged on or after the effective date would be required to contain labeling that includes the boxed warnings against the use of the drugs in treating obesity. The 60-day effective date would allow drug products to be packaged with the old labeling for 60 days after the final rule is published. It would also permit drug products that are packaged with old labeling before the effective date to be marketed after that date. With respect to the comment's request for an effective date 180 days from publication, the Commissioner believes that an effective date 60 days from publication is necessary, given the health risks associated with the new warnings, to ensure that the warning statements appear promptly in advertising and in labeling other than the package inserts and, as discussed in comment 2, to prohibit reminder advertisements

for these drug products after that date.

6. Several comments objected to the statement in proposed § 201.316 (21 CFR 201.316) that drugs with thyroid hormone activity within the range of daily hormonal requirements are ineffective for weight reduction when used in euthyroid patients (patients with normal thyroid function). The comments identified a number of references in the recent scientific literature describing changes in peripheral thyroid hormone metabolism as well as central regulatory mechanisms during starvation diets. The comments argued that during starvation diets "compensatory hypothyroidism" develops and thyroid hormone administration is therefore not only indicated but is beneficial in facilitating the rate of weight loss.

The Commissioner, having reviewed several articles in the recent scientific literature on this subject, does not agree with these comments. Copies of the articles have been placed on public display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. During starvation, distinctive disturbances of peripheral thyroid hormone metabolism have been reported, including a fall in total and free triiodothyronine (T-3) and an elevation in 3,3',5'-triiodothyronine (reverse T-3 (rT-3)), although total thyroxine (T-4) levels remain normal while free T-4 is normal or slightly increased. These observations have been interpreted to suggest there is an alteration in peripheral T-4 metabolism away from generating T-3 and toward the generation of rT-3, which is essentially metabolically inactive. This interpretation is supported by similar findings in fasting obese volunteers on suppressive doses of T-4. The changes in T-3 concentration seen with fasting, however, promptly revert to normal with feeding. In addition to these peripheral changes, serum thyrotropin (TSH) levels have been shown to fall within 2 days of fasting but then gradually rise to near baseline levels over the next few days despite continued fasting and the presence of low serum T-3 levels. In contrast to these findings, TSH levels increase in classical primary hypothyroidism and are indeed the most significant documentation of the disease. The clinical significance of these observations is unknown. The reliance upon low serum T-3 measurements in the presence of normal T-4 concentrations for the diagnosis of hypothyroidism, however, would not now be justified.

Accordingly, the Commissioner does not agree that the warning should be changed to suggest that thyroid drug products in doses used for replacement therapy are safe and effective for

treating obese individuals on starvation diets. He encourages, however, well-controlled clinical trials on the role of T-3 replacement therapy in obese patients on starvation diets with associated depression of serum T-3 levels. Such trials should include assessment of the range of thyroid hormone function and should be conducted under a Notice of Claimed Investigational Exemption for a New Drug (IND).

7. One comment complained that the boxed warning for thyroid drug products was not balanced because its reference to dosages within the range of daily hormonal requirements concerned only safety and made no comment as to effectiveness. The comment complained similarly about the warning regarding larger dosages.

The comment is incorrect in stating that the warning fails to speak to the effectiveness of dosages within the range of daily hormonal requirements. The warning specifically notes that such dosages are ineffective for weight reduction. Generally, however, the "Warnings" section of prescription drug labeling is intended to provide information on safety hazards from the use of the drug. Moreover, a boxed warning is intended to describe special safety problems, particularly those which may lead to death or serious injury. The effectiveness of a drug for a particular use is traditionally stated under the "Indications" section of the labeling. Such a statement has been included in the thyroid boxed warning only to emphasize that in euthyroid individuals physiological dosages simply suppress endogenous thyroid hormone production, whereas larger doses are associated with safety hazards. In any case, even if such a boxed warning normally included statements regarding effectiveness, such statements could not be included here. The Commissioner is not aware of adequate and well-controlled clinical trials that document either the safety or long-term efficacy of pharmacologic doses of thyroid hormone preparations in treating obesity. Indeed, one of the references cited by the comment noted that in a study of hospitalized patients who were followed afterwards as outpatients, no statistically significant greater average weight loss in the group treated with T-3 was demonstrated over the term of the study. In addition, all patients in the treatment group developed tachycardia (rapid heart rate), and one had to be removed from the study because of atrial fibrillation (irregular heart-beat).

8. One respondent reported on his personal unpublished clinical studies that suggested that obese individuals may be chemically euthyroid as demonstrated by their blood values, but that there exists a decreased utilization

of the hormone at the cellular level. An analogy was made to certain obese diabetics who may have normal or elevated levels of circulating insulin.

The Commissioner is unaware of any support for such an undocumented claim and rejects a change in the warning on that basis.

9. Several manufacturers of specific digitalis and thyroid drug products contended that the regulations should not apply to their products. A manufacturer of digoxin injection observed that the parenteral dosage form of digoxin is not used in the treatment of obesity and urged that the final rule specifically exempt parenteral dosage forms of digitalis and related cardiotonic drugs from the boxed warning requirement. Another comment submitted independent market research data for its brand of gitalin in support of its contention that its drug product is not being used by physicians to treat obesity and, accordingly, should be exempted from the boxed warning requirement. Another comment argued that its brand of sodium dextrothyroxine should be exempted from the thyroid boxed warning on the ground that it has no history of use for treating obesity and would not even be considered potentially effective for that use because it is estimated to have 5 percent or less of the metabolic stimulating thyroid activity of other thyroid drugs such as levothyroxine sodium.

The Commissioner acknowledges that the administration of injectable digoxin produces extreme pain at the site of injection, thus greatly minimizing the likelihood of its use for treating obesity. Other parenteral cardiotonic glycosides have a similar effect. Accordingly, he has revised the final rule to apply only to oral dosage forms of digitalis and related cardiotonic drugs.

The Commissioner does not agree, however, that marketing data on a drug can be used as a basis for exempting it from the boxed warning requirement. Although some brands of cardiotonic glycosides may not have been used in the past for treating obesity, the Commissioner believes that exempting them from the boxed warning requirement and the prohibition against reminder labeling and advertising would result in the use of those drugs in the treatment of obesity as the use of the drugs subject to the final rule declines. A drug cannot be exempted from the boxed warning requirement without having been shown to differ significantly from the drug products subject to the requirement in a way that can be expected to discourage its use for treating obesity (for example, the extreme pain associated with the administration of injectable cardiotonic glycosides). Although mar-

keting data may demonstrate that the respondent's gitalin has not been used in the past for treating obesity, the Commissioner believes it could be used for that indication to the same extent as other digitalis glycosides. Likewise, although sodium dextrothyroxine has less of the metabolic stimulating properties of other drugs with thyroid hormone activity, the Commissioner believes that to be an inadequate basis upon which to exempt it from the boxed warning requirement.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701, 52 Stat. 1050-1053, 1055-1056, as amended (21 U.S.C. 352, 355, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 201 is amended as follows:

1. By adding new § 201.316, to read as follows:

§ 201.316 Drugs with thyroid hormone activity for human use; required warning.

(a) Drugs with thyroid hormone activity have been promoted for, and continue to be dispensed and prescribed for, use in the treatment of obesity, although their safety and effectiveness for that use have never been established.

(b) Drugs for human use with thyroid hormone activity are misbranded within the meaning of section 502 of the Federal Food, Drug, and Cosmetic Act unless their labeling bears the following boxed warning at the beginning of the "Warnings" section:

Drugs with thyroid hormone activity, alone or together with other therapeutic agents, have been used for the treatment of obesity. In euthyroid patients, doses within the range of daily hormonal requirements are ineffective for weight reduction. Larger doses may produce serious or even life-threatening manifestations of toxicity, particularly when given in association with sympathomimetic amines such as those used for their anorectic effects.

2. By adding new § 201.317, to read as follows:

§ 201.317 Digitalis and related cardiotonic drugs for human use in oral dosage forms; required warning.

(a) Digitalis and related cardiotonic drugs for human use in oral dosage forms have been promoted for, and continue to be dispensed and prescribed for, use in the treatment of obesity, although their safety and effectiveness for that use have never been established.

(b) Digitalis and related cardiotonic drugs for human use in oral dosage forms are misbranded within the meaning of section 502 of the Federal

Food, Drug, and Cosmetic Act unless their labeling bears the following boxed warning at the beginning of the "Warnings" section:

Digitalis alone or with other drugs has been used in the treatment of obesity. This use of digoxin or other digitalis glycosides is unwarranted. Moreover, since they may cause potentially fatal arrhythmias or other adverse effects, the use of these drugs in the treatment of obesity is dangerous.

(c) This section does not apply to digoxin products for oral use, which shall be labeled according to the requirements of §310.500 of this chapter.

Effective date. This regulation shall be effective on July 24, 1978, for any drug product to which these rules apply that is packaged on or after that date.

(Secs. 502, 505, 701, 52 Stat. 1050-1053, 1055-1056, as amended (21 U.S.C. 352, 355, 371).)

Dated: May 15, 1978.

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

[FR Doc. 78-13714 Filed 5-22-78; 8:45 am]

[4110-03]

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 77N-0110]

PART 808—EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL DEVICE REQUIREMENTS

Procedures for Consideration of Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction; final rule.

SUMMARY: In FR Doc. 78-11719, appearing on page 18661 in the *FEDERAL REGISTER* of Tuesday, May 2, 1978, the following correction is made on page 18666: In §808.20(a), the first and second sentences which read, "(a) Any State or political subdivision may apply to the Food and Drug Administration for an exemption from preemption for any requirement that is preempted. An exemption may only be granted to a State or political subdivision for a requirement that it has enacted and that has been enacted, promulgated, or issued in final form by the authorized body or official of the State or political subdivision so as to have the force and effect of law" are changed to read, "(a) Any State or political subdivision may apply to the Food and Drug Administration for an

exemption from preemption for any requirement that it has enacted and that is preempted. An exemption may only be granted for a requirement that has been enacted, promulgated, or issued in final form by the authorized body or official of the State or political subdivision so as to have the force and effect of law."

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Sheehan, Bureau of Medical Devices (HFK-70), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7114.

Dated: May 17, 1978.

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

[FR Doc. 78-14292 Filed 5-22-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3495]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Glendale Heights, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rules.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Glendale

Heights, DuPage County, Ill., are available for review at the bulletin board in the Village Hall, 1611 Bloomingdale Road, Glendale Heights, Ill.

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 Seventh Street SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch DuPage River.	Downstream corporate limits.	702
	Illinois Central RR	703
	Upstream corporate limits.	705
Armitage Ditch	Downstream corporate limits.	707
	Wayne Ave.	713
	Jill Ct.	718
	Leslie Lane	719
	Armitage Ave	722
	Glen Ellyn Rd	726
	Highland Ave	732
	Winthrop Ave	733
	Fullerton Ave	737
	Ardmore Ave	740
	Lincoln Ave	751
	Placid Ave	760
Armitage Fork	Upstream corporate limits.	760
	Confluence w/Armitage Ditch.	733
	Pearle Ave	753
	Bleden Ave	756
	Upstream corporate limits.	758

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13726 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3683]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Inkom, Bannock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Inkom, are available for review at City Hall, 400 Inkom Road, Inkom, Idaho.

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 Seventh Street, SW., Washington, D.C. 20410.

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rapid Creek.....	Jackson Creek Rd., upstream.....	4,626
	Downstream.....	4,620
	Private road 1,180 ft downstream of Jackson Creek Rd. crossing, upstream.....	4,609
	Downstream.....	4,607
	Private road 2,790 ft downstream of Jackson Creek Rd. crossing, upstream.....	4,582
	Downstream.....	4,581
	Private road 3220 ft downstream of Jackson Creek Rd. crossing, upstream.....	4,576
	Downstream.....	4,574
	Private road 5,170 ft downstream of Jackson Creek Rd. crossing, upstream.....	4,558
	Downstream.....	4,556
Portneuf River	Union Pacific RR spur ...	4,526
	Country road.....	4,522
	Union Pacific RR.....	4,521

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13727 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3684]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of McCammon, Ban- nock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of McCammon, are available for review at City Hall, 302 Center Street, McCammon, Idaho.

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 Seventh Street, SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portneuf River	North Street.....	4762
	Business 91	4718
	Highway 30N.....	4717

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

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13728 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-2597]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Finale rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Addison, DuPage County, Ill., are available for review at the front entrance of the Village Hall, 130 West Army Trail Road, Addison, Ill.

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 Seventh Street SW., Washington, D.C. 20410.

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

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Salt Creek	North of Armitage Ave...	674
	South of Fullerton Ave ..	675
	Interstate Route 20	675
	Army Trail Road	676
	extended.	
	Confluence with	676
	Westwood Creek.	
	Addison Ave.....	676
	Rozanne Dr	676
	Lincoln St	677
	Highview Ave	679
	Lake St	680
	Mill Rd	684
	Country Club Dr	689
	North of Rose Ave. near	692
	Addison's northern	
	corporate limits.	

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13729 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3763]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Franklin Park, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Franklin Park, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Franklin Park, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Franklin Park, are available for review at Village Hall, Franklin Park, Ill.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Franklin Park, Ill.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	Belmont Ave.....	624
Silver Creek	Route 19	652
	Landen Dr	645
	Kirchoff Ave. (upstream	639
	side).	
	Fullerton Ave	636

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13730 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-37641]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Schiller Park, Cook County, Ill.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the Village of Schil-
ler Park, Cook County, Ill.

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

EFFECTIVE DATE: The date of iss-
uance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the Village of Schiller
Park, Ill.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the final
elevations for the Village of Schiller
Park, are available for review at Vil-
lage Hall, Schiller Park, Ill.

FOR FURTHER INFORMATION
CONTACT:

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

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the Village of
Schiller Park, Ill.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crystal Creek.....	Tri State Tollway.....	639
	25th Ave.....	637
	Lawrence Ave.....	630
Crystal Creek	Soreng Ave. (upstream	639
Tributary.	side).	
	Irving Park Rd.....	638
Des Plaines River..	Lawrence Ave.	625
	(downstream side).	
	Irving Park Rd.....	624

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13731 Filed 5-22-78; 8:45 am]

[4210-10]

[Docket No. FI-38271]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Wheeling, Cook County, Ill.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the Village of
Wheeling, Cook County, Ill.

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

EFFECTIVE DATE: The date of iss-
uance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood

elevations, for the Village of Wheel-
ing, Ill.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the final
elevations for the Village of Wheeling,
are available for review at Village Hall,
Wheeling, Ill.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, Room 5270, 451 7th Street
SW., Washington, D.C. 20410, 202-
755-5581 or toll free line 800-424-
8872.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the Village of
Wheeling, Ill.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	Dam No. 1.....	640
	Dundee Rd.....	641
Wheeling	Hintz Rd.....	641
drainage ditch.	Jeffery Ave.....	645
	Dundee Rd.....	646
	12th St.....	648
	Soo Line RR.....	650
	Wheeling Rd.....	652
Buffalo Creek.....	Elmurst Rd.....	654
	Aptakisic Rd.....	668
	Buffalo Grove Rd.....	670
McDonald Creek ...	Camp McDonald Rd.....	647
	Wheeling Rd.....	651
	Cornell Rd.....	668

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13732 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3499]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Noble, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Noble, Ind.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Noble, Ind., are available for review at the bulletin board in the Hall of the County Courthouse, Albion, Ind.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Noble, Ind.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Creek.....	State Route 205.....	856
	County Rd 300 south.....	870
Branch Creek.....	County Rd 150 east.....	892
Carrol Creek.....	County Rd 250 west.....	892
	State Route 109.....	893
Crane Lake ditch..	State Route 109.....	902
Croft ditch.....	County Rd 75 west.....	887
	County Rd 150 east.....	927
	Skinner Lake Rd.....	934
Diamond Lake ditch.	County Rd 575 west.....	879
Dry Run.....	County Rd 800 north.....	922
	U.S. Highway 6.....	933
Winebrenner ditch.	County Rd 250 west.....	899
	U.S. Highway 33.....	901
Elkhart River.....	County Rd 1100 west.....	862
	County Rd 600 west.....	876
Forker Creek.....	County Rd 50 west.....	892
Gilbert Lake ditch	County Rd 250 south.....	888
Henderson Lake ditch.	County Rd 850 north.....	924
	State Route 3.....	956
Huston ditch.....	County Rd 200 west.....	895
	County Rd 600 north.....	917
Little Cedar Creek	Downstream county line	858
	Upstream county line.....	865
Little Elkhart Creek.	State Route 3.....	946
Long Lake ditch....	County Rd 1600 north.....	959
	County Rd 200 north.....	890
	County Rd 100 north.....	893
North Branch.....	County Rd 450 west.....	875
Elkhart River.....	County Rd 800 north.....	884
Rimmel ditch.....	County Rd 300 east.....	951
	State Route 8.....	963
Solomon Creek.....	County Rd 900 west.....	886
	County Rd 200 north.....	897
South Branch.....	U.S. Highway 6.....	877
Elkhart River.....	River Rd.....	886
Sparta Lake ditch..	County Rd 750 north.....	872
	County Rd 500 north.....	882
Sycamore Creek....	County Rd 1150 east.....	922
	State Route 3.....	969
Tippecanoe River..	County Line Rd.....	858
	County Rd 1050 west.....	882
	County Rd 470 west.....	902
Turkey Creek.....	County Rd 150 north.....	874
	Knapp Lake.....	881
Waterhouse ditch..	Lima Rd.....	954
	County Rd 900 east.....	955
Willow Creek.....	State Route 205.....	856
	County Rd 800 east.....	871

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13733 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3685]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of St. Joseph, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of St. Joseph, Ind.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of St. Joseph, Ind., are available for review at the County/City Building, 227 Jefferson Boulevard, South Bend, Ind.

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: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of St. Joseph, Ind.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joseph River....	Darden Rd.....	665
	Bittersweet Rd.....	718
Judy Creek.....	Kenilworth Rd.....	707
	State Route 23.....	734
	Fir Rd.....	748
Kleffer Creek.....	Laurel Rd.....	697
	Upstream side of Kenilworth Rd.....	707
	Upstream side of Hollyhock Rd.....	722
Woodward Ditch....	Downstream side of Oakside Ave.....	725
	Upstream side of Basswood Rd.....	737
Potato Creek.....	Smilax Rd.....	702
	Indiana St.....	713
Eutzler Ditch.....	Harrison Rd.....	728
	Dragon Trail.....	753
Eller Ditch.....	Blackberry Rd.....	736
	Dragon Trail.....	764
Niespodgiany Ditch.....	Edison Rd.....	742
	U.S. Highway 20.....	749

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13734 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3646]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Nashua, Chickasaw County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Nashua, Chickasaw County, Iowa.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the city of Nashua, Chickasaw County, Iowa

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Nashua, Chickasaw County, Iowa, are available for review at City Hall, City Clerk's Office, Nashua, Iowa.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Nashua, Chickasaw County, Iowa.

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

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

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

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Cedar River.....	Approximately 200 ft downstream of Illinois Central Gulf RR.	963
	Approximately 200 ft upstream of State Highway 346.	970

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13735 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3828]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Ellinwood, Barton County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Ellinwood, Barton County, Kans.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Ellinwood are available for review at City Hall, Ellinwood, Kans.

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 Seventh Street SW., Washington, DC. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Ellinwood, Barton County, Kans.

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

The Administrator has developed criteria for flood plain management in

flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arkansas River	950 feet upstream from county road bridge.	1786
	2000 feet upstream from county road bridge.	1787
	0.86 mile upstream from county road bridge.	1790

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13736 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-38301]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Iola, Allen County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Iola, Allen County, Kans.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Iola, Allen County, Kans., are available for review at City Hall, Office of the City Engineer, 2 West Jackson, Iola, Kans. 66749.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Iola, Allen County, Kans.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neosho River	Riverside Park	953
Elm Creek	Washington St.	952
	Intersection of Third and Vine St.	953
Rock Creek	Neosho St.	957
Coon Creek	State St. (U.S. 169)	962
	Jefferson St.	965
	Buchanan St.	971
	Just downstream Kentucky stream.	988

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13737 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3829]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Halstead, Harvey County, Kan.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Halstead, Harvey County, Kans.

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

The Administrator has developed criteria for flood plain management in

flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Arkansas River.	1900 feet upstream from County Rd (6th St extended) bridge.	1393
	50 feet downstream from Atchison, Topeka and Santa Fe RR bridge.	1394
	Upstream of Atchison, Topeka and Santa Fe RR bridge.	1396
	530 feet upstream from Main St bridge.	1397
	1160 feet downstream from Harvey County 801.	1398
Black Kettle Creek.	350 feet downstream from Main St.	1397
	Harvey County 574	1398
Halstead Slough....	1100 feet upstream from Tenth St bridge.	1392

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13738 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3727]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Humboldt, Allen County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the city of Humboldt, Allen County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Humboldt, Allen County, Kans., are available for review at City Hall, Humboldt, Kans.

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 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Humboldt, Allen County, Kans.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neosho River	Just upstream of Bridge St.	935
	Confluence of Cannon Creek.	935
Cannon Creek	Just upstream of 8th St.	954
	Tributary to Coal Creek.	947
	Just upstream of Central St.	960

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13739 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3831]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sedgwick, Harvey and Sedgwick Counties, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sedgwick, Harvey and Sedgwick Counties, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sedgwick, Harvey and Sedgwick Counties, Kans., are available for review at City Building, 316 Washington Street, Sedgwick, Kans.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sedgwick, Harvey and Sedgwick Counties, Kans.

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

from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Little Arkansas River.	Just downstream of 4th St.	1377
Sand Creek (Backwater from Little Arkansas River).	Approximately 100 ft. upstream of Madison Avenue Bridge.	1379
Sedgwick ditch	Fifth St. (extended).....	1378

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13740 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3560]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Harlan, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Harlan, Ky.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Harlan, Ky., are available for review at the

County Courthouse, First and Central, Harlan, Ky.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Harlan, Ky.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cumberland River	West County Boundary..	1,100
	State Highway 2007 at Coldiron (upstream).	1,117
	Access road to U.S. Highway 119 at Wilholt.	1,159
	State Highway 413 at Loyall.	1,167
	Poor Fork	1,177
Poor Fork	U.S. Highway 421 at Baxter.	1,177
	U.S. Highway 119 at Ross Point (upstream).	1,196
	U.S. Highway 119 at Laden.	1,264
	U.S. Highway 119 at Nolansburg (downstream).	1,287
	U.S. Highway 119 at Nolansburg (upstream).	1,287
	U.S. Highway 119 at Hiram (upstream).	1,382
	U.S. Highway 119 at Chad.	1,392
	U.S. Highway 119 at Blair.	1,476
	Clover Fork	1,197
	Access Road to State Highway 38 at Rex.	1,210
Clover Fork	Louisville and Nashville RR at Kitts (upstream).	1,243
	State Highway 38 at Brookside (upstream).	1,266
	Access road to State Highway 38 at Verda (upstream).	1,266

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Martins Fork	State Highway 38 at Shields (upstream).	1,384
	Louisville & Nashville RR at Highsplit (upstream).	1,426
	State Highway 72 at Dressen.	1,184
	U.S. Highway 421 at Grays Knob (upstream).	1,208
	State Highway 1556 at Bobs Creek (upstream).	1,255
Catron Creek	State Highway 991	1,262
	Access road to State Highway 72 at Elcomb.	1,200
	State Highway 2425 (upstream)...	1,258
	Louisville & Nashville RR at Pansy (upstream).	1,333
	State Highway 72 at Bardo.	1,452
Yocum Creek	Access road to State Highway 215 at Woods (upstream).	1,333
	State Highway 215 at Kenvir.	1,417
	Access road to State Highway 215 at Black Mountains (upstream).	1,479
Crummies Creek ...	U.S. Highway 217 (upstream).	1,263
	U.S. Highway 421 (upstream).	1,288

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13741 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3076]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Franklin, St. Mary Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Franklin, St. Mary Parish, La.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Franklin, are available for review at City Hall, Franklin, La.

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 Seventh Street SW., Washington, DC. 20410.

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

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

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

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

Source of Flooding	Location	Elevation, in feet, national geodetic vertical datum
Bayou Teche.....	Willow St	7
	Sterling Bridge	7
Overland	Morris St. west of South	9
Hurricane Surge.	Pacific RR.	
	Pine St. west of South	10
	Pacific RR.	
	U.S. Highway 80	9
	northwest of South	
	Pacific RR. Branch.	
	Barrow Street north of	10
	South Pacific RR.	
	Branch.	

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

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13742 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3832]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Abbot, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Abbot, Piscataquis County, Maine, are available for review at Town Office, Abbot, Maine 04406.

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: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Abbot, Piscataquis County, Maine.

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

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

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

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Piscataquis River..	Just upstream of Upper Abbot Bridge (Government Farm Road).	419
	Just downstream of Back Guilford Rd.	401
Brown Brook	Approximately 200 feet downstream of the abandoned railroad bridge.	403
Kingbury Stream..	Approximately 150 feet upstream of Abbot Village Bridge (Perkins Rd, Route 15).	433

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13743 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-2762]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Cumberland, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Cumberland, Allegany County, Md.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Cumberland, Allegany County, Md., are available for review at the City Hall, Cumberland, Md.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Cumberland, Allegany County, Md.

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
North Branch Potomac River.	East corporate limits	604
	Upstream Western Maryland R.R. Bridge (7,200' above corporate limits).	608
	Upstream Ford Ave.	611
	Western Maryland R.R. Bridge (3,600' above Ford Ave.)	614
	Dam	615
	Upstream Western Maryland R.R. Bridge (at Wills Creek Confluence).	616
	Cumberland St. dam	627
	West corporate limits	633
	20 feet downstream of Valley St.	728
	Upstream Valley St.	737
Dry Run	Footbridge Near Valley St.	739

Source of flooding	Location	Elevation in feet above mean sea level
Willow Brook	North corporate limits	742
	East corporate limits	697
	50 feet downstream of private road.	705
	Upstream private road	712
	Upstream Pine Ave	730
	Upstream Baltimore Ave.	760
	Upstream Shade Lane	767
	Upstream Frost Ave.	774
	Upstream Cole St.	780
	Upstream Oakland St.	806
Wills Creek	Confluence with North Branch Potomac River.	616
	Upstream Market St.	616
	Upstream Valley St.	619
	Upstream Western Maryland R.R. Bridge.	628
	West corporate limits	636
Tributary No. 1	Upstream Church Rd.	681
	Upstream Oldtown Rd.	718
	Upstream Winifred Rd.	763
	Upstream Rose Ave.	797

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

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13744 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3943]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Riverdale, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Riverdale, Cook County, Ill.

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

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

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the final elevations for the Village of Riverdale, Cook County, Ill., are available for review at the Village Clerk's Office, 142 and Stewart Avenue, Riverdale, Ill.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Riverdale, Cook County, Ill.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Calumet River.	Ashland Ave. North	589
	Roll Ave	590
	Ashland Ave South	592
	Halsted St	594
	147th St.	596

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ
Federal Insurance Administration.
[FR Doc. 78-13745 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-39441]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Robbins, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Robbins, Cook County, Ill., are available for review at the Robbins Village Hall, 3327 West 137th Street, Robbins, Ill.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Robbins, Cook County, Ill.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek...	Downstream corporate limit.	597
	137th St.....	598
	139th St.....	600
	Upstream corporate limit.	607

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13746 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-39461]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Warrenville, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Warrenville, DuPage County, Ill., are available for review at the City Hall, 28W630 Stafford Place, Warrenville, Ill.

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 Seventh Street SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, above mean sea level
West branch DuPage River.	East-West Tollway	691
	Warrenville Rd	694
	Butterfield Rd.- Highway 56.	697
	Williams St	699
Ferry Creek.....	East-West Tollway	690
	Ferry Rd	691
	Glen Dr. (extended).....	695
	Aurora Rd	702
	Butterfield Rd	704
	Home Ave	712
	Elgin, Joliet, & Eastern RR.	717
Spring Brook	Mouth.....	698
	Norris Court.....	698

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13747 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4025]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Coralville, Johnson County, Iowa**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Coralville, Johnson County, Iowa, are available for review at City Hall, Office of Public Works, Office of City Clerk, Office of City Engineer, Coralville, Iowa.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Coralville, Johnson County, Iowa.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Iowa River.....	Just upstream of Coralville City Dam.	655
	Just downstream of Interstate 80 Bridge.	658
Morrison Creek	Just upstream of State Highway 6 and 218.	664
	Approximately 80 ft downstream of 8th St.	688
Biscuit Creek	Just upstream of 5th St.	657
	Just upstream of 6th St.	667
	Just upstream of 7th St.	668
Clear Creek	Approximately 150 ft upstream of 1st Avenue Bridge.	654
	Just upstream of U.S. Highway 6 Bridge.	655
	Approximately 100 ft upstream of Camp Cardinal Rd.	663
Oakdale Creek	Just upstream of U.S. Hwy. 6 and 218.	679
	Approximately 200 ft upstream of 25th St.	684

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13748 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3948]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Elkader, Clayton County, Iowa**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Elkader, Clayton County, Iowa, are available for review at the Municipal Building, 207 North Main, Elkader, Iowa.

FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Elkader, Clayton County, Iowa.

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

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

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

Source of flooding	Location	Elevation in feet above mean sea level
Turkey River	Southern corporate limits.	720
	Boardman St. (extended).	721
	Bridge St. and State Highway 13.	724
	Cedar St. (extended).....	727
	Willow St. (extended)....	736
	McKinley St. (extended)	737
	Northern corporate limits.	739

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13749 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3949]

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

**Final Flood Elevation Determination
for the City of Abilene, Dickinson
County, Kans.**

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the city of Abilene,
Dickinson County, Kans. These base
(100-year) flood elevations are the
basis for the flood plain management
measures that the community is re-
quired to either adopt or show evi-
dence of being already in effect in
order to qualify or remain qualified
for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the city of Abilene,
Dickinson County, Kans.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood prone areas and the final
elevations for the city of Abilene are
available for review at City Hall, Abi-
lene, Kans.

**FOR FURTHER INFORMATION
CONTACT:**

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

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the city of Abi-
lene, Dickinson County, Kans.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smoky Hill River ..	Brady St.....	1145
	Kansas Highway No. 15 ..	1146
	Southwestern corporate limit near South Cedar St.	1147
	Abilene Airport near east boundary.	1148
	Abilene Airport west of central runway.	1149
Mud Creek	Santa Fe RR	1151
	North 3rd St.....	1153
	North 7th St.....	1156
	Northern corporate limit near 11th St.	1158
Mud Creek Tributary No. 1.	Confluence with Mud Creek.	1157
	50 feet downstream of Santa Fe RR.	1165
	Washington St.....	1168

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13750 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3951]

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

**Final Flood Elevation Determination
for the The City of Colby, Thomas
County, Kans.**

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the City of Colby,
Thomas County, Kans. These base
(100-year) flood elevations are the
basis for the flood plain management
measures that the community is re-
quired to either adopt or show evi-
dence of being already in effect in

order to qualify or remain qualified
for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the City of Colby,
Thomas County, Kans.

ADDRESS: Maps and other infor-
mation showing the detailed outlines of
the flood prone areas and the final
elevations for the City of Colby are
available for review at the City Hall,
585 North Franklin, Colby, Kans.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the City of
Colby, Thomas County, Kans.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Prairie Dog Creek.	2,900 ft downstream of Chicago, Rock Island, & Pacific RR.	3,090
	Upstream of Chicago, Rock Island & Pacific RR.	3,097
	Upstream at old dam, 2,600 ft upstream of Chicago, Rock Island & Pacific RR.	3,101
	Upstream of Country Club Dr.	3,106
	At (East-West) Rd. 3,000 ft downstream of North Range Ave.	3,116
	Upstream of North Range Ave.	3,125
	Upstream crossing of Chicago, Rock Island, & Pacific RR.	3,137

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Prairie Dog Creek tributry (Colby Creek).	At city park dike.....	3,148
	At confluence with Prairie Dog Creek.	3,094
	At dam 1,300 ft upstream of confluence with Prairie Dog Creek.	3,100
	Upstream of Country Club Dr.	3,119
	5th St.....	3,125
	Upstream of 4th St.....	3,126
	Upstream of Union Pacific RR.	3,142
	Upstream of South Range Ave.	3,147

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13751 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4029]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Edwardsville, Wy- andotte County, Kans.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

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

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Edwardsville, Wyandotte County, Kans.

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

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

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Kansas River	Eastern corporate limit..	766
	At 9th St. (extended).....	767
	Western corporate limit..	769
West Mission Creek.	Mouth at Kansas River..	768
	225 ft downstream of Lake of the Forest Rd.	769
	2,900 ft upstream of Lake of the Forest Rd. (Bonner Springs- Edwardsville corporate limit).	773
Betts Creek	Mouth at Kansas River..	767
	Just upstream of the Union Pacific Railroad Bridge.	773
	1,200 ft upstream of Kaw Dr.	775
	1,600 ft upstream of Kaw Dr.	781
	3,200 ft upstream of Kaw Dr.	784
	6,350 ft upstream of Kaw Dr.	796
	9,100 ft upstream of Kaw Dr.	815
	10,750 ft upstream of Kaw Dr.	822

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13752 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3952]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Junction City, Geary County, Kans.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Junction City, are available for review at the Office of the Building Inspector, City Hall, Junction City, Kans.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Junction City, Geary County, Kans.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smokey Hill River	At the confluence of the Republican River.	1,066
	7,000 ft downstream of Interstate 70.	1,069
	At Interstate 70	1,074
	4,400 ft upstream of Interstate 70.	1,076
Republican River..	At the confluence with Smoky Hill River.	1,066
	3,000 ft downstream of Washington St.	1,067
	At Washington Street Bridge.	1,068
	4,800 ft upstream of Washington St.	1,069

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13753 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4027]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Larned, Pawnee County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administration, 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: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Larned County, Kans.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arkansas River	Rose Ave. extended.....	1,995
	Confluence of Pawnee River.	1,999
Pawnee River.....	Confluence of Arkansas River.	1,999
	Kansas Highway 19.....	2,001
	Atchison, Topeka & Santa Fe RR.	2,004
	Morris Ave. extended.....	2,006

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13754 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4028]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mulvane, Sedgwick County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Mulvane are available for review at City Hall, Mulvane, Kans.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Mulvane, Sedgwick County, Kans.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Styx Creek	At confluence with Arkansas River.	1,216
	210 ft upstream of Santa Fe RR abutment.	1,218
	2,640 ft upstream of Santa Fe RR abutment.	1,220
	1,400 ft downstream of south corporate limit.	1,223
	300 ft downstream of south corporate limit.	1,225
	200 ft upstream of south corporate limit.	1,229
	260 ft upstream of south corporate limit.	1,231
	300 ft upstream of Santa Fe RR.	1,232
	At Prather St	1,235
	At Main St	1,237
	At Mulvane St	1,238
	150 ft downstream of East View Dr.	1,240
	At East View Dr	1,241
	At Charles St	1,243
	At Riverdale Dr	1,245
Arkansas River	160 ft downstream of Kansas Highway 15.	1,248
	At Kansas Highway 15 ...	1,250
	At north corporate limit	1,254
	Santa Fe RR	1,215
	300 ft upstream of Santa Fe RR.	1,216
	3,400 ft upstream of Santa Fe RR.	1,219
	3,400 ft downstream of Kansas Highway 53.	1,220
	2,200 ft downstream of Kansas Highway 53.	1,221
	At Kansas Highway 53 ...	1,223

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.

[FR Doc. 78-13755 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3186]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Prairie Village, Johnson County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Prairie Village, Johnson County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Prairie Village are available for review at the Public Works Department, 3535 Somerset Drive, Prairie Village, Kans.

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 Seventh Street SW., Washington, D.C. 20410.

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

The Administrator has developed criteria for flood plain management in

flood prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Creek	1,550 ft downstream from Tomahawk Road Bridge.	903
	160 ft upstream from Tomahawk Road Bridge.	911
	Tunnel outlet	915
	Tunnel inlet	918
	180 ft upstream from 71st Street Bridge.	922
	220 ft upstream from Roe Avenue Bridge.	939
	2,300 ft upstream from Roe Avenue Bridge.	947
	100 ft upstream from 75th Street Bridge.	956
	2,400 ft upstream from 75th Street Bridge.	961
	540 ft downstream from Lamar Ave.	978
	70 ft downstream from Lamar Ave.	982

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

Issued: April 11, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.

[FR Doc. 78-13756 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4030]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Ashland, Boyd County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ashland, Boyd County, Ky. are available for review at the City Clerk's Office, Ashland, Ky.

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 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ashland, Boyd County, Ky.

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Branch Creek	Just upstream 9th St.....	553
Ohio River	Just upstream of Ashland-Coal Grove Bridge.	547
	Confluence of Keys Creek.	549

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 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 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13757 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4031]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Sharon, Norfolk County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Sharon are available for review at the Town Engineer's Office, Town Hall, 90 South Main Street, Sharon, Mass.

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 Seventh Street SW., Washington, D.C. 20410.

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

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

The Administrator has developed criteria for flood plain management in

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neponset River.....	Sharon/Norwood corporate limits.	48
Beaver Brook.....	40 ft downstream of Norwood St.	210
	Norwood St.....	217
	3,000 ft upstream of Norwood St.	217
Billings Brook.....	925 ft downstream of Mitchell Rd.	257
	Mitchell Rd	260
	Laurel Rd.....	263
	65 ft downstream of South Walpole St.	264
	400 ft upstream of South Walpole St.	264
Branch of Billings Brook.	1,530 ft downstream of Barefoot Hill Rd. (at dirt road).	241
	Barefoot Hill Rd.....	247
	120 ft downstream of Wolomolopoag St.	250
	Upstream side of Wolomolopoag St.	259
Canoe River	924 ft upstream of southern corporate limits.	237
	1,980 ft upstream of southern corporate limits.	242
	3,790 ft upstream of southern corporate limits.	250
Massapoag Brook..	2,190 ft downstream of Billings St. at Woodenfoot Bridge.	173
	925 ft downstream of Billings St.	184
	95 ft upstream of Billings St.	194
	65 ft downstream of 1st spillway and footbridge at Mann's Pond.	200
	105 ft upstream of 1st spillway and footbridge at Mann's Pond.	214
	1,000 ft upstream of 1st spillway and footbridge at Mann's Pond.	214
	40 ft downstream of Massapoag Brook Dam.	230
	Upstream side of Massapoag Brook Dam.	234
	40 ft downstream of spillway and footbridge at Hammer Shop Pond.	243
	Upstream side of spillway and footbridge at Hammer Shop Pond.	251
	At Quincy St. 230 ft downstream of Massapoag Lake.	253
Massapoag Lake....	Entire Lake.....	255
Sucker Brook.....	65 ft downstream of Massapoag Ave.	255
	Massapoag Ave.....	257
	170 ft downstream of Vine St.	263
	75 ft upstream of Vine St.	269
	1,230 ft upstream of Vine St.	270

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13758 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3172]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Wakefield, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wakefield are available for review at the Town Engineer's Office, Town Hall, One Lafayette Street, Wakefield, Mass.

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 Seventh Street SW., Washington, D.C. 20410.

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

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

tion 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals with the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saugus River.....	Water St.....	55
	Salem St.....	64
	Upstream side of Route 128.....	77
	Upstream Side of Vernon St.....	79
Lake Quannapowitt.....	Entire lake.....	84
Mill River.....	Wiley St.....	55
	Upstream side of Water St.....	58
	Salem St.....	59

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13759 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3835]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Davison, Genesee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Davison, Genesee County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Davison, Genesee County, Mich., are available for review at City Hall, Davison, Mich.

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 Seventh Street SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Creek.....	Private bridge at upstream corporate limits.....	785
	Main St.*.....	782
	Michigan Route 15*.....	780
	Dayton St.*.....	777

*Downstream side.

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13760 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3836]

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

**Final Flood Elevation Determinations
for the Village of Goodrich, Gene-
see County, Mich.**

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Goodrich, Genesee County, Mich., are available for review at Village Hall, 10237 Hegel Road, Goodrich, Mich.

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 Seventh Street SW., Washington, D.C. 20410.

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kearsley Creek.....	Dutch Rd	858
	Erie St	864
	Rhodes Rd	882

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

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13761 Filed 5-22-78; 8:45 am]

[4210-01]

**CHAPTER XIII—FEDERAL DISASTER
ASSISTANCE ADMINISTRATION,
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. R-78-501]

**PART 2205—FEDERAL DISASTER
ASSISTANCE**

Individual and Family Grant Program

AGENCY: Federal Disaster Assistance Administration.

ACTION: Final rule.

SUMMARY: This rule revises the eligibility criteria for the Individual and Family Grant Program to conform to the August 25, 1977 agreement between Farmers Home Administration (FmHA) and the Small Business Administration (SBA) which permits either FmHA or SBA to make housing or personal property loans in a major disaster when farmers have suffered production and farm losses as well as housing and personal property losses.

EFFECTIVE DATE: June 22, 1978.

FOR FURTHER INFORMATION CONTACT:

C. T. Babcock, Federal Disaster Assistance Administration, Room B-133, 451 Seventh Street SW., Washington, D.C. 20410, 202-634-7860.

SUPPLEMENTARY INFORMATION: On Wednesday, February 1, 1978, the Federal Disaster Assistance Administration (FDAA) published an interim rule revising the eligibility criteria for the Individual and Family Grant Program to conform to the August 25, 1977 agreement between the Farmers Home Administration (FmHA) and the Small Business Administration (SBA). This agreement permits either FmHA or SBA to make housing or personal property loans in a major disaster when farmers have suffered production and farm losses as well as housing and personal property losses. This was a change aimed at improving and expanding the delivery of financial assistance to the agricultural community; however, it necessitated a change in the eligibility criteria for the Individual and Family Grant Program to recognize that farmers, ranchers and aquaculturists may now apply to SBA for assistance as well as to FmHA. The eligibility criteria specifies that a grant applicant must apply to available governmental disaster assistance programs before eligibility for a grant is determined. Since both the FmHA and SBA loan programs are considered governmental disaster assistance programs, a farmer rancher or aquaculturist would have to apply to both programs before grant eligibility could be determined. The interim rule removed that requirement and specified that a denial of loan assistance from either program (with one exception noted in § 2205.48(c)(1)(ii)) provides sufficient basis on which to determine eligibility for the Individual and Family Grant Program.

With the concurrence of the appropriate Departmental officials, the Administrator has issued a Finding of Inapplicability of Environmental Impact concerning this rule, in accordance with section 102 of the National Environmental Policy Act of 1969 and the procedures in HUD Handbook 1390.1 (38 FR 19182). It is the position of the signatories to this finding that this rule in itself has no significant impact on the human environment. Copies of this finding may be inspected or obtained at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

In order to insure that farmers, ranchers and aquaculturists receive maximum benefits as provided by the Disaster Relief Act of 1974, and more specifically Section 408, Individual and Family Grant Programs, at the earliest practicable date, FDAA determined that it was in the public interest to publish the changes as interim regulations, effective February 1, 1978. However, interested parties were encouraged to submit comments, suggestions,

data or arguments regarding the changes to the Rules Docket Clerk. No comments, suggestions, data or arguments were received. Accordingly, § 2205.48(c) is amended, effective on June 22, 1978 to read as follows:

§ 2205.48 Individual and family grants.

(c) *National eligibility criteria.* In administering the Individual and Family Grant Program, a State shall determine the eligibility of an individual or family for a grant to meet a necessary expense or serious need in accordance with the following criteria.

(1) *General.* (i) In order to qualify for a grant under this section an individual or family representative must certify:

(A) That application has been made to other available governmental disaster assistance programs for assistance to meet a necessary expense or serious need and that neither he/she nor any member of his/her family has been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need (except as provided for in paragraph (c)(1)(ii) of this section).

(B) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he/she, nor to the best of his/her knowledge, any member of his/her family, has previously received or refused assistance from other means.

(C) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the State that part of the grant for which assistance from other means has been received.

(ii) Farmers, ranchers, and persons engaged in aquaculture must apply to either the Farmers Home Administration (FmHA) or the Small Business Administration (SBA) for loan assistance, and obtain a denial of such assistance from either FmHA or SBA before they may be considered eligible for a grant under this section. If applicants for FmHA loan assistance are unable to obtain such assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.

(iii) Individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within

the State in which the major disaster had been declared.

(Sec. 408, Pub. L. 93-288, 88 Stat. 156 (42 U.S.C. 5178); E.O. 11795 as amended by E.O. 11919 39 FR 25939; Delegation of Authority, 29 FR 23227.)

Issued at Washington, D.C., May 12, 1978.

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.
[FR Doc. 78-14367 Filed 5-22-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE
AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 835—SUPPORT OF NONGOV-
ERNMENTAL TEST AND EVALUA-
TION

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a new rule stating policy, authority, and limitations on procedures for providing Air Force support, services and facilities to nongovernmental organizations. This rule will permit DOD agencies to sponsor nongovernment test requests. Because contractors occasionally have had difficulty finding non-DOD agencies with mutually aligned interest, this rule should have a favorable impact.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION
CONTACT:

Major Melvin Hayashi, Headquarters U.S. Air Force, Planning, Programming and Analysis (AF/RDXT), Washington, D.C. 20330, 202-694-4590.

SUPPLEMENTARY INFORMATION: This rule was published as proposed on April 17, 1978 (43 FR 16193). As stated at that time, this rule describes procedures for providing Air Force support, services and facilities to nongovernmental organizations. These procedures give ways to test and evaluate products, techniques and equipment. The rule applies to government-owned facilities and serves as a specific guide for carrying out portions of DOD Directive 3200.11 that apply.

This rule is issued under authority of 10 U.S.C. 8012.

Since no significant comments were received from the public, Part 835 is added to Title 32 CFR, Chapter VII, Subchapter C, to read as follows:

Sec.

- 835.1 Purpose.
- 835.2 Background information.
- 835.3 Exceptions.
- 835.4 Terms explained.
- 835.5 Policies and procedures.
- 835.6 Responsibilities.
- 835.7 Authority for direct communication.

AUTHORITY: 10 U.S.C. 8012.

§ 835.1 Purpose.

This part states policy, authority, and limitations on procedures for providing Air Force support, services and facilities to nongovernmental organizations. These procedures give ways to test and evaluate products, techniques, and equipment. It applies to government-owned facilities and serves as a specific guide for carrying out portions of DOD Directive 3200.11 that apply.

§ 835.2 Background information.

The Air Force maintains and operates many kinds of unique facilities to meet its testing needs. These facilities can also accommodate many needs of the other Services and, in some cases, Government agencies outside the Department of Defense (DOD). Many of these facilities cannot be economically duplicated by other agencies (governmental or private). Frequently, businesses and institutions ask the Air Force to let them use its facilities to test and evaluate their products or techniques. DOD Directive 3200.11 gives procedures for using, managing, and operating major DOD ranges and test facilities designated collectively as the Major Range and Test Facility Base (MRTFB). The DOD directive covers both governmental and nongovernmental use. This part, however, adds to the DOD guidance that specifically pertains to nongovernmental use. It applies not only to the U.S. Air Force facilities in the MRTFB, but also to all other U.S. Air Force test facilities.

§ 835.3 Exceptions.

(a) This part does not apply to Government-owned and contractor-operated industrial facilities whose nongovernmental use is according to accountable contracts and pertinent regulations.

(b) AFP 400-7 Matrix Illustrating Reimbursement Policies for Interservice / Interdepartmental / Interagency Support, AFR 400-27, Basic Policies and Principles for Interservice, Interdepartmental, and Interagency Support, and DOD Directive 4000.19-M explain inter-Service support agreements and apply to Air Force test facilities.

(c) AFR 400-15, Logistic Support of United States Nongovernmental, Nonmilitary Agencies and Individuals in Oversea Military Commands, covers logistic support of military departments to U.S. nongovernment agencies or individuals in overseas military command areas.

(d) Section 13, Armed Services procurement regulations, governs the use of Government property by firms and institutions that perform Air Force contracts. Requests for test support in performing such contracts are not covered.

(e) The Arnold Engineering Development Center (AEDC) is exempted from the requirements of this part because it is authorized to provide industry with wind tunnel testing on a reimbursable basis.

§ 835.4 Terms explained.

(a) *Air Force test facility.* Any Air Force laboratory, range, or other facility intended for test and evaluation purposes. The facility may be operated by Service personnel or maintenance and operations contractors, or a combination of them.

(b) *Business.* A nongovernmental organization, other than an institution, desiring to test a product or technique that is not related to a government prime contract or subcontract.

(c) *Evaluation.* The review and analysis of qualitative or quantitative data from design review, hardware inspection, testing, or operational usage of equipment (AFR 80-14, Test and Evaluation).

(d) *Government sponsor.* A Federal executive agency whose directives or direct interest lead to a unique testing requirement.

(e) *Institution.* A nongovernmental organization, having an educational or scientific purpose, desiring to test a product or technique that is not related to a Government prime contract or subcontract.

(f) *Statement of support requirements.* A definitive statement prepared by an institution or business listing type, level, and how long support is required.

(g) *Support.* Services, supplies, equipment, and technical assistance provided to an institution or business.

(h) *Test.* Any program or procedure which is designed to obtain, verify, or provide data for the evaluation of: Research and development (other than laboratory experiments); progress in reaching development goals; or performance and operational capability of systems, subsystems, components, and equipment items (AFR 80-14).

(i) *Test support request (TSR).* A formal request for support sent by a Government sponsor that contains:

(1) A brief description of the mission or purpose of the requesting institution or business.

(2) A brief description of the nature of the test.

(3) A statement of support requirements.

(4) A "certificate of nonavailability" of suitable commercial facilities.

(5) A certification that the proposed test program is in the public interest.

(6) A statement that the business or institution has agreed not to use information regarding Air Force testing in connection with its advertising, and that such test support will not be interpreted as, nor constitute, an Air Force indorsement of that product.

§ 835.5 Policies and procedures.

(a) The Air Force may provide test support to businesses and institutions if such services are not reasonably available in private industry and can be supported without additional Service manning. In all cases, the items or techniques to be tested and evaluated must be in the public interest.

(b) Any business or institution desiring Air Force facilities and supporting services must seek as a sponsor a Federal executive agency. This agency must have regulations that require such testing or whose interests are directly aligned to the unique testing being proposed. The Government-agency sponsor must be responsible for filing with the Air Force the TSR in § 835.4(i).

(c) Except for the use of those facilities excluded from the uniform reimbursement policy (DODD 3200.11), the Air Force will be reimbursed for all costs (both direct and indirect) according to user-charge procedures of Part 812 of this chapter and other regulations that apply. The Air Force test facility controller bills the institution or business direct, NOT through the Government sponsor.

(d) The requesting institution or business must agree in all cases to indemnify the United States against all loss of, or damage to, Government property and injury to Government personnel, and to hold the United States harmless against all third-party claims unless willful misconduct of Air Force personnel is involved. AF Form 180, Hold Harmless Agreement, must be executed.

(e) Operations not within the scope of the stated purpose of such testing are prohibited. All tests must be accepted and approved on a noninterference basis and without rescheduling other planned Government activities. Any Government needs that arise during a test take precedence.

§ 835.6 Responsibilities.

(a) Major commands (MAJCOMs):

(1) Review TSRs sent by the Government sponsor.

(2) Transfer the TSR to another MAJCOM if the other command's test facilities are more appropriate.

(3) Disapprove and return TSRs that fall outside the scope of this part.

(4) Approve valid requests and direct proper action.

(5) Make sure that the Government sponsor has proved that Air Force test support is needed.

(6) Get an evaluation and recommendation from the Air Force test fa-

cility commander or a statement of whether the test can be accommodated and its probable impact on the facility's resources.

(b) Each Air Force test facility:

(1) Reviews TSRs sent by its MAJCOM headquarters.

(2) Estimates (according to Part 812 of this chapter) the cost of supporting the test, and explains cost factors involved.

(3) If the TSR involves aircraft, complies with Part 855 of this chapter.

(4) Estimates the resource impact on the Air Force test facility, if the test is accommodated.

(5) Within 30 calendar days after receiving the TSR, informs the MAJCOM headquarters as to the facility's capability to accommodate the test.

(6) Makes sure that all necessary safety measures are taken to prevent personal injury or property damage.

(7) Ensures compliance with security directives that apply.

(c) The Government sponsor:

(1) Sends a TSR in letter format containing the information in § 835.4(i), to the proper MAJCOM headquarters.

(2) Proves that the test is needed, and determines that such a test is indeed in the public interest.

(3) Verifies that test support services are not reasonably available in private industry.

§ 835.7 Authority for direct communication.

Direct communication is authorized between separate MAJCOM headquarters, between MAJCOM Headquarters and Government sponsors, and, after the TSR is received, between MAJCOM Headquarters and the requesting business or institution.

FRANKIE S. ESTEP,

Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-13960 Filed 5-22-78; 8:45 am]

[8320-01]

Title 41—Public Contracts and Property Management

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

PART 8-7—CONTRACT CLAUSES

Miscellaneous Changes

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is revising the VA Procurement Regulations by specifying that maintenance of contract files will satisfy cer-

tain record requirements in the Federal Procurement Regulations (FPR); revoking obsolete material; correcting a cross-reference; updating an organizational title; reflecting agency policy of using precise terms denoting gender; and prescribing the use of new contract clauses. These changes are made to increase administrative and property management efficiency.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Chris A. Figg, Policy and Inter-agency Staff, Supply Service, Veterans Administration, Washington, D.C. 20420, 202-389-2334.

SUPPLEMENTARY INFORMATION: On page 14525 of the FEDERAL REGISTER of April 6, 1978, there was published a notice of proposed regulatory development to amend Parts 8-2 and 8-7.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Approved: May 15, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 8-2.201, paragraphs (a), (c), (d)(3) and (e)(3) are revised and paragraph (g) is revoked. The revised material reads as follows:

§ 8-2.201 Preparation of invitations for bids.

(a) Invitations for bids for supplies, equipment and services will be serially numbered at the time of issue. The number will consist of the station or marketing division number, the serial number of the invitation, and the fiscal year in which issued, e.g., 101-25-78. A new series beginning with the number 1 will be started each fiscal year. Invitations for bids for supplies, equipment and services which are issued, accepted, and become contracts in the same fiscal year but, because of procurement leadtime, will not be performed until the ensuing fiscal year will be numbered in the series of the year in which they are issued. However, invitations issued in one fiscal year that will result in a contract that will become effective and performed only in the ensuing fiscal year will be numbered in the ensuing fiscal year series.

(c) In order to preclude adverse criticism of the Veterans Administration by prospective bidders relative to disclosure of bid prices prior to bid open-

ing, the following provision will be prominently placed in all invitations for bids:

CAUTION TO BIDDERS—BID ENVELOPES

It is the responsibility of each bidder to take all necessary precautions, including the use of a proper mailing cover, to insure that the bid price cannot be ascertained by anyone prior to bid opening. If a bid envelope is furnished with this invitation, the bidder is requested to use this envelope in submitting the bid. The bidder may, however, when it suits a purpose, use any suitable envelope, identified by the invitation number and bid opening time and date. If a bid envelope is not furnished, the bidder will complete and affix the enclosed Optional Form 17, Sealed Bid Label, to the lower left hand corner of the envelope used in submitting the bid.

(d) ***

(3) Invitations containing a summary bid request will contain the following statement:

The award will be made on either an individual item basis or summary bid basis, whichever results in the lowest cost to the Government. Therefore, to assure proper evaluation of all bids, a bidder quoting a summary bid price must also quote a price on each individual item included in the summary bid price.

(e) ***

(3) In addition to the clause in subparagraph (1) or (2) of this paragraph, the following clause will be included in the invitation when bids will be allowed on different packaging, unit designation, etc.

ALTERNATE PACKAGING AND PACKING

The bidder's offer must clearly indicate the quantity, package size, unit, or other different feature upon which the quote is made. Evaluation of the alternate or multiple alternates will be made on a common denominator such as per ounce, per pound, etc., basis.

(g) [Revoked]

2. In § 8-2.204, paragraph (b) is revised to read as follows:

§ 8-2.204 Records of invitations for bids and records of bids.

(b) Maintenance of the contract file prescribed by § 8-1.313-54 and retention of canceled Invitation for Bid files will fulfill the requirements set forth in FPR 1-2.204.

3. Section 8-7.150-24 is revised and § 8-7.150-25 is added so that the added and revised material reads as follows:

§ 8-7.150-24 Requirements for operating and maintenance manuals.

(a) Solicitations and requests for proposals for technical medical equipment and devices issued by a field station will normally require the contractor to provide operating and maintenance

manuals. Unless the station Chief, Engineering Service, indicates that such service manuals are not needed, each invitation for bid or request for proposal for technical medical equipment will include VA Specification No. X-1711, Documentation, Technical Service, for Technical Medical Equipment and Devices, as a requirement. The number of such manuals required will be specified in both the solicitation and the resulting purchase order.

(b) Solicitations and requests for proposals for mechanical equipment (other than technical medical equipment and devices) issued by a field station will include the following clause:

Service data manual. The contractor agrees to furnish two copies of a manual, handbook or brochure containing operating, installation, and maintenance instructions (including pictures or illustrations, schematics, and complete repair/test guides as necessary). Where applicable, it will include electrical data and connection diagrams for all utilities. The instructions shall also contain a complete list of all replaceable parts showing part number, name, and quantity required.

(c) When the bid or proposal will result in the initial purchase (including each make and model) of a centrally procured item, the following clause will be used:

Service data manual. The contractor agrees, when requested by the contracting officer, to furnish not more than five copies of the technical documentation required by VA Specification X-1711 to the Service and Reclamation Division, VA Supply Depot, Hines, Ill. In addition, the contractor agrees to furnish two copies of the technical documentation required by VA Specification X-1711 with each piece or equipment sold as a result of the invitation for bid or request for proposal.

§ 8-7.150-25 Guarantee clause.

(a) When the bid or proposal will result in any purchase, the following clause will be used:

Guarantee. The contractor guarantees the equipment against defective material, workmanship and performance for a period of —, said guarantee to run from date of acceptance of the equipment by the Government. The contractor agrees to furnish, without cost to the Government, replacement of all parts and material which are found to be defective during the guarantee period. Replacement of material and parts will be furnished to the Government at the point of installation, if installation is within the continental United States, or f.o.b. the continental U.S. port to be designated by the purchasing officer if installation is outside of the continental United States. Cost of installation of replacement material and parts shall be borne by the contractor.²

¹Normally, insert 1 year. If industry policy covers a shorter or longer period, i.e., 90 days or for the life of the equipment, insert such period.

²The above clause will be modified to conform to standards of the industry involved.

(b) Where it is industry policy to furnish, but not install, replacement material and parts at the contractor's expense, the last sentence will be changed to indicate that cost of installation shall be borne by the Government. Where it is industry policy to (1) guarantee components for the life of the equipment (i.e., crystals in transmitters and receivers in radio communications systems) or (2) require that highly technical equipment be returned to the factory (at contractor's or Government's expense) for replacement of defective materials or parts, the clause used will be compatible with such policy.

4. In § 8-7.600, paragraph (c) is revised to read as follows:

§ 8-7.600 Scope of subpart.

(c) Clauses inconsistent with those contained in FPR 1-7.6 and this subpart, but considered essential to the procurement of Veterans Administration requirements, shall not be used unless the deviation procedure set forth in § 8-1.109-2 has been complied with.

5. Section 8-7.650-3 is revised to read as follows:

§ 8-7.650-3 Work to be executed by contractor's forces.

(a) The contractor shall execute on the site, with his/her forces (exclusive of executive, supervisory and clerical forces), actual contract construction work equivalent to not less than ³ percent of the contract award price.

(b) Construction work shall consist of contract work accomplished on the site by laborers, mechanics, and foremen/forewomen on the Contractor's payroll and under his/her direct supervision. Cost of material and equipment installed by such labor may be included in the above percent of work required to be performed by the Contractor.

(c) The Contractor shall submit, simultaneously with schedule of costs required by Payment to Contractor provision of the General Conditions of these specifications, a statement designating the branch or branches of contract work to be performed with his/her forces. The approved schedule of costs will be used in determining value of a branch or branches, or portions thereof, of the work for the purpose of this article.

(d) If, during the progress of work hereunder, the contractor requests a change in the branch or branches of the work to be performed by his/her forces and the Contract-

³The Contracting Officer shall insert one of the following: Thirty percent for boiler replacements and piping, new or replacement elevators, emergency generators and wiring, water tanks and towers; 20 percent for water tanks where piping alterations are required and for new buildings with reinforced concrete frames; all other types of construction, 15 percent.

ing Officer determines it to be in the best interests of the Government, the Contracting Officer may, at his/her discretion, authorize a change in such branch or branches of said work. Nothing contained herein shall permit a reduction in the percentage of work to be performed by the contractor with his/her forces, it being expressly understood that this is a contract requirement without right or privilege of reduction.

(e) In the event the contractor fails or refuses to meet the requirement of paragraph (a) of his section, it is expressly agreed that the contract price will be reduced by 15 percent of the value of that portion of the percentage requirement which is accomplished by others. For the purposes of this provision, it is agreed that 15 percent is an acceptable estimate of the Contractor's overhead and profit, or mark-up, on that portion of the work which the Contractor fails or refuses to perform, with his/her own forces, in accordance with paragraph (a) of this section.

6. In § 8-7.650-5, paragraph (c) of the clause is revised to read as follows:

§ 8-7.650-5 Inspection and acceptance.

Clause 10, General Provisions, SF 23A is supplemented as follows:

(c) Final inspection will not be made until the contract work is ready for beneficial use or occupancy. The Contractor shall notify the Contracting Officer, through the Resident Engineer, fifteen (15) days prior to the date on which the work will be ready for final inspection. Should it develop that the work installed does not justify such inspection at that time, or that the character of material or workmanship is such that reinspection is found necessary, the cost of such reinspection including salary of the inspector(s), his/her traveling and other expenses, shall be borne by the Contractor and will be deducted from any money due him/her on the applicable contract.

7. Section 8-7.650-6 is revised to read as follows:

§ 8-7.650-6 Guaranty.

GUARANTY

(a) Unless otherwise specifically provided for in the contract or specifications, the Contractor, notwithstanding any final inspection, acceptance or payment, guarantees that all work performed and materials and equipment furnished under this contract are in accordance with the contract requirements. The Contractor also guarantees that when installed all materials and equipment were free from defects and will remain so for a period of at least 1 year from the date of acceptance by the Government.

(b) If defects of any kind should develop during the period such guaranties are in force, the Contracting Officer shall immediately notify the Contractor in writing of such defects. The Government thereupon shall have the right, by a written notice to that effect, to require the Contractor to repair or replace all inferior or defective work, material, or equipment or permit it to remain in place and assess the Contractor the costs he/she (the Contractor) would have incurred had he/she been required to effect repair or replacement.

(c) Any correction or replacement of parts, materials, equipment, supplies or con-

struction made pursuant to the provisions of this clause shall also be subject to the provisions of this clause to the same extent as parts, materials, equipment, supplies or construction originally installed. The warranty with respect to such new or corrected parts, materials, equipment, supplies or construction shall be equal in duration as that set forth in (a) above and shall run from the date that such parts, materials, equipment, supplies or construction are replaced or corrected and accepted by the Government.

(d) The Contractor guarantees to reimburse the Government for, or to repair or replace, any damages to the site, buildings, or contents thereof that is caused by inferior or defective workmanship, or the use of inferior or defective materials or equipment in the performance of this contract. The Contracting Officer shall immediately notify the Contractor in writing when such damage occurs. The Government shall have the right to require the Contractor to repair or replace such damaged areas or equipment, or elect to permit such damage to remain as is and assess the Contractor the costs he/she would have incurred had he/she been required to effect repair or replacement.

(e) Should the Contractor fail to proceed promptly, after notification by the Contracting Officer, to repair or replace any inferior or defective work, material, or equipment, or damage to the site, buildings, or contents thereof, caused by inferior or defective work, or the use of inferior or defective materials, or equipment, the Government may have such work, material, equipment, or damage repaired or replaced and charge all costs incident thereto to the Contractor.

(f) Any special guaranties that may be required under the contract, shall be subject to the elections set forth above unless otherwise provided in such special guaranties.

(g) The decision of the Contracting Officer as to liability of the Contractor under this clause is subject to the appeal procedures provided for in the "Disputes clause of this Contract."

8. Section 8-7.650-8 is revised to read as follows:

§ 8-7.650-8 Reference to "Standards".

(a) Any materials, equipment, or workmanship specified by references to number, symbol, or title of any specific Federal, Industry or Government Agency Standard Specification shall comply with all applicable provisions of such standard specifications, except as limited to type, class or grade, or modified in contract specifications. Reference to "Standards" referred to in the contract specifications, except as modified, shall have full force and effect as though printed in detail in specifications.

(b) Federal Specification numbers refer to specifications issued by General Services Administration. Such specifications may be seen at the Office of Construction, Veterans' Administration, Washington, D.C. or at the office of the Resident Engineer for this project. An Index to the Specifications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington,

D.C. 20402. Single copies of specifications may be obtained without charge for bidding purposes, from any GSA Business Service Center provided a copy of the Invitation for Bids is furnished. Multiple copies may be purchased only from GSA Specifications Branch, Building 197, Washington Navy Yard, Washington, D.C. 20407.

9. In § 8-7.650-9, paragraph (c) of the clause is revised to read as follows:

§ 8-7.650-9 Government supervision.

(c) Within the limits of any specific authority delegated by the Contracting Officer, the Resident Engineer may by written direction make changes in the work. The Contractor shall be advised of the extent of such authority.

10. Section 8-7.650-10 is revised to read as follows:

§ 8-7.650-10 Daily report of workers and material.

The Contractor shall furnish to the Resident Engineer each day a consolidated report for the preceding work day in which is shown the number of laborers, mechanics, foremen/forewomen and pieces of heavy equipment used or employed by the contractor and subcontractors. The report shall bear the name of the firm, the branch of work which they perform such as concrete, plastering, masonry, plumbing, sheet metal work, etc. Report shall give breakdown of employees by crafts, location where employed, and work performed. The report shall also list materials delivered to the site on the date covered by the report.

11. In § 8-7.650-12, Paragraphs (b) and (c) of the clause are revised to read as follows:

§ 8-7.650-12 Subcontracts and work coordination.

The following clause is for use except as provided in § 8-7.650-13.

SUBCONTRACTS AND WORK COORDINATION

(b) The Contractor shall be responsible to the Government for acts and omissions of his/her own employees, and of the subcontractors and their employees. The Contractor shall also be responsible for coordination of the work of the trades, subcontractors, and material suppliers.

(c) The Government or its representatives will not undertake to settle any differences between the Contractor and subcontractors or between subcontractors.

12. Section 8-7.650-13 is revised to read as follows:

§ 8-7.650-13 Work coordination (alternate provision).

For new construction work with complex mechanical-electrical work, the following provision relating to work coordination may be substituted for paragraph (b) of the clause set forth in § 8-7.650-12:

The Contractor shall be responsible to the Government for acts and omissions of his/her own employees, and subcontractors and their employees. The Contractor shall also be responsible for coordination of the work of the trades, subcontractors, and material suppliers. The Contractor shall, in advance or the work, prepare coordination drawings showing the location of openings through slabs, the pipe sleeves and hanger inserts, as well as the location and elevation of utility lines, including, but not limited to, conveyor systems, pneumatic tubes, ducts, and conduits and pipes 2 inches and larger in diameter. These drawings, including plans, elevations, and sections as appropriate shall clearly show the manner in which the utilities fit into the available space and relate to each other and to existing building elements. Drawings shall be of appropriate scale to satisfy the previously stated purposes, but not smaller than 3/4-inch scale. Drawings may be composite (with distinctive colors for the various trades) or may be separate but fully coordinated drawings (such as sepia or photographic paper reproductions) of the same scale. Separate drawings shall depict identical building areas or sections and shall be capable of being overlaid in any combination. The submitted drawings for a given area of the project shall show the work of all trades which will be involved in that particular area. Six complete composite drawings or six complete sets of separate reproducible drawings shall be received by the Government not less than 20 days prior to the scheduled start of the work in the area illustrated by the drawings, for the purpose of showing the Contractor's planned method of installation. The objectives of such drawings are to promote carefully planned work sequence and proper trade coordination, in order to assure the expeditious solutions of problems and the installation of lines and equipment as contemplated by the contract documents while avoiding or minimizing additional costs to the Contractor and to the Government. In the event the Contractor, in coordinating the various installations and in planning the method of installation, finds a conflict in location or elevation of any of the utilities with themselves, with structural items or with other construction items, he/she shall bring this conflict to the attention of the Contracting Officer immediately. In doing so, the Contractor shall explain the proposed method of solving the problem or shall request instructions as to how to proceed if adjustments beyond those of usual trades coordination are necessary. Utilities installation work will not proceed in any area prior to the submission and completion of the Government review of the coordinated drawings for that area, nor in any area in which conflicts are disclosed by the coordination drawings until the conflicts have been corrected to the satisfaction of the Contracting Officer. It is the responsibility of the Contractor to submit the required drawings in a timely manner consistent with the requirement to complete the work covered by this contract within the prescribed contract time.

13. In § 8-7.650-14(a), paragraph (a)(2) of the clause is revised to read as follows:

§ 8-7.650-14 Payments to contractors.

(a) For contracts that do not contain a section entitled "Network Analysis Systems (NAS), Clause 7, General Provisions, SF 23A," will be implemented as follows:

PAYMENTS TO CONTRACTORS

Clause 7, General Provisions, SF 23A, is implemented as follows:

(a) ***
(2) Costs as shown by this schedule must be true costs and, should the resident engineer so desire he/she may require the contractor to submit the original estimate sheets or other information to substantiate detail makeup of schedule.

[FR Doc. 78-14202 Filed 5-22-78; 8:45 am]

[3510-20]

CHAPTER 13—DEPARTMENT OF COMMERCE

PROCUREMENT REGULATIONS; FINAL RULES

AGENCY: Department of Commerce.

ACTION: Final regulations.

SUMMARY: These regulations contain portions of Commerce procurement policies and procedures which implement and supplement the Federal Procurement Regulations in the areas of: (a) general information and requirements, (b) special evaluation procedures for particular negotiated procurements, (c) procurement support for acquisitions of major systems, and (d) submission, receipt, handling and evaluation of unsolicited proposals. These initial issuances are part of a continuing Department of Commerce effort to update, codify and publish its procurement regulations and to provide uniformity with the Federal Procurement Regulatory system.

This material is intended to extend, to all interested parties, an understanding of the Department's procedures and methods of procuring goods and services and to provide contractors and potential contractors with a reference to and an understanding of Commerce procedures for entering into contracts, authorities of procurement and other officials and the full extent of and rationale for many contract requirements and provisions.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles Carter, Procurement Analyst, Office of Administrative Ser-

vices and Procurement, U.S. Department of Commerce, Washington, D.C. 20230; 202-377-3891.

SUPPLEMENTARY INFORMATION: Part 13-1 of these regulations sets forth general policies and procedures of the Department to implement subparts 1-1.0 through 1-1.3 of the Federal Procurement Regulations (FPR), Title 41, CFR Chapter 1, Part 1-1, as well as portions of Subpart 1-1.4, relative to responsibilities of personnel other than those directly involved in the procurement process. This issuance of Part 1 also replaces all of the existing Part 13-1 regulations now contained in Title 41, CFR Chapter 13.

The material in Part 13-3 of these regulations provides for use of a system for proposal evaluation by a special board under certain competitive negotiated procurements. Part 13-4 of these regulations sets forth the Department's procedures concerning unsolicited proposals, implementing Title 41, CFR Subpart 1-4.9, and provides Commerce procedures for acquisitions of major systems, implementing Office of Management and Budget (OMB) Circular A-109.

All of these regulations supplement and/or implement Federal Procurement Regulations (FPR) (Title 41, CFR Chapter 1) or OMB Circulars concerning procurement activities. Since the implemented portions of both the FPR and OMB Circulars were published for comment in the FEDERAL REGISTER, it has been determined that no further purpose would be served in publishing these regulations as proposed rules for comment.

Chapter 13 of Title 41 CFR is amended by revising Part 13-1 and by adding new Parts 13-3 and 13-4 to read as follows:

PART 13-1 GENERAL

Sec.

13-1.000 Scope of part.

Subpart 13-1.0—Regulation System

- 13-1.001 Scope of subpart.
- 13-1.002 Purposes.
- 13-1.003 Authority.
- 13-1.004 Applicability.
- 13-1.004-50 Relationship to the FPR.
- 13-1.006 Issuance.
- 13-1.006-1 Code Arrangement.
- 13-1.006-2 Publication.
- 13-1.006-3 Copies.
- 13-1.006-4 Coordination.
- 13-1.007 Arrangement.
- 13-1.007-1 General plan.
- 13-1.007-2 Numbering.
- 13-1.007-3 Citation.
- 13-1.008 Agency implementation.
- 13-1.008-50 Particular regulatory requirements of operating units or Departmental offices.
- 13-1.009 Deviation.
- 13-1.009-2 Procedure.
- 13-1.009-3 Limitation on deviations.

Subpart 13-1.2—Definitions of Terms

Sec.

- 13-1.201 Definitions.
- 13-1.204 Head of the Agency.
- 13-1.205 Procuring Activity.
- 13-1.206 Head of the procuring activity.
- 13-1.250 Organizational elements.

Subpart 13-1.3—General Policies

- 13-1.302 Procurement sources.
- 13-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
- 13-1.305 Specifications.
- 13-1.305-3 Deviations from Federal Specifications.
- 13-1.306 Standards.
- 13-1.306-1 Mandatory use and application of Federal Standards.
- 13-1.313 Records of contract actions.
- 13-1.313-50 General procedures.
- 13-1.313-51 Exceptions.
- 13-1.317 Noncollusive bids and proposals.
- 13-1.317-50 Procedures.
- 13-1.318 Disputes clause.
- 13-1.318-1 Contracting Officer's decision under the disputes clause.
- 13-1.318-50 Coordination of proposed decisions.
- 13-1.318-51 Modification or withdrawal of decisions.
- 13-1.318-52 Appeals from contracting officer decisions.
- 13-1.327 Protection of the privacy of individuals.
- 13-1.327-5 Procedures.

Subpart 13-1.4—Procurement Responsibility and Authority

- 13-1.450 Responsibilities of other Government personnel.
- 13-1.450-1 General.
- 13-1.450-2 Planning for procurement.
- 13-1.450-3 Procurement planning reports.
- 13-1.450-4 Planning for major systems acquisitions.
- 13-1.450-5 Precontract support.
- 13-1.450-6 Postaward contract administration.

AUTHORITY: Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Order 10-5.

§ 13-1.000 Scope of part.

This part contains information introducing and establishing the Department of Commerce Procurement Regulations (DOCPR) which, combined with the Federal Procurement Regulations (FPR), govern all procurement by the Department of Commerce or any of its organizational elements. The materials contained in this and later parts supplement, implement and provide procedures for supplementation and implementation of, as well as deviation from the FPR.

Subpart 13-1.0—Regulation System

§ 13-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the DOCPR. It explains the purpose of the DOCPR, the authority under which they are issued, their relationship to the FPR, applicability, method

of issuance, exclusions and arrangement. It also outlines procedures for implementing and supplementing the FPR and DOCPR and for deviating therefrom.

§ 13-1.002 Purpose.

The DOCPR, combined with the FPR, are hereby designated as the authorized regulations governing the procurement of personal property and nonpersonal services (including construction) and leasing of real property by the Department of Commerce or by any organizational unit thereof.

§ 13-1.003 Authority.

The DOCPR are prescribed by the Assistant Secretary for Administration under the authorities contained in 5 U.S.C. 301, 5 U.S.C. 552 and section 205(c), Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Organization Order 10-5.

§ 13-1.004 Applicability.

The FPR and DOCPR apply to all procurements, by every operating unit and any other organizational element of the Department of Commerce except where specific limited exception authority is provided to the Maritime Administration. This exception will only be exercised upon appropriate determination by the Assistant Secretary for Maritime Affairs or a properly designated delegate. A copy of each exception determination shall be forwarded to the Director, Office of Administrative Services and Procurement.

§ 13-1.004.50 Relationship to the FPR.

Material published in the DOCPR will not repeat, paraphrase, or otherwise restate the FPR except to the extent necessary to supplement, implement, or deviate therefrom.

§ 13-1.006 Issuance.

§ 13-1.006-1 Code arrangement.

Department of Commerce Procurement Regulations are issued in the Code of Federal Regulations as Chapter 13 of Title 41, Public Contracts and Property Management.

§ 13-1.006-2 Publication.

DOCPR, as deemed necessary by the Assistant Secretary for Administration for information to the general public, are published initially in the daily issue of the FEDERAL REGISTER and in final cumulated form in Title 41 of the Code of Federal Regulations. The above regulations, as well as additional DOCPR material of interest primarily for internal agency guidance, are printed in separate loose-leaf volume form for distribution to appropriate Department of Commerce organizations.

§ 13-1.006-3 Copies.

Copies of the DOCPR published in the FEDERAL REGISTER and the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Upon request, copies of the DOCPR loose-leaf volume and amendments and additions thereto will be distributed to Departmental Procurement activities and other appropriate DOC organizational units, by the Internal Distribution Branch of the Office of Administrative Services and Procurement.

§ 13-1.006-4 Coordination.

(a) Comments and suggestions of interested Departmental procurement activities will be solicited where feasible during the development of DOCPR issuances. Comments and suggestions of others will be solicited only when and to the extent deemed appropriate by the Assistant Secretary for Administration.

(b) Where there is urgent or compelling need to issue regulations which precludes adherence to the procedures in paragraph (a) of this section, such regulations shall be issued as consecutively numbered Temporary Department of Commerce Procurement Regulations (TDOCPR) and distributed as appendices to the loose leaf DOCPR volumes. Each TDOCPR shall be effective for a period stated within the TDOCPR, which period shall not exceed six months from the date of issuance unless extended by the Assistant Secretary for Administration.

(c) If a temporary regulation, issued pursuant to paragraph (b) of this section, is intended for eventual permanent implementation, it shall be distributed for comments and suggestions in accordance with paragraph (a) of this section. Notices of temporary regulation implementation will be published in the FEDERAL REGISTER when the TDOCPR involves material revision to existing DOCPR content of significance to business concerns and others properly interested, and where otherwise deemed appropriate by the Assistant Secretary for Administration.

§ 13-1.007 Arrangement.

§ 13-1.007-1 General plan.

The general plan, numbering system and nomenclature, used in the DOCPR conform with those of the Federal Procurement Regulations and FEDERAL REGISTER standards approved for the FPR.

§ 13-1.007-2 Numbering.

(a) This Chapter 13 has been allocated to the Department of Commerce for implementing, supplementing and deviating from Chapter 1 of Title 41 CFR.

(b) Where the DOCPR implements or deviates from a part, subpart, section, or subsection of the FPR, the DOCPR part, subpart, section, or subsection will be numbered and captioned to correspond to the part, subpart, section, or subsection of Chapter 1, of Title 41 CFR.

(c) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no further implementation, the DOCPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

(d) DOCPR's which supplement the FPR will be assigned an appropriate number and title different from any assigned to an FPR.

§ 13-1.007-3 Citation.

DOCPR will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus this section, when referred to in sections of the DOCPR, should be cited as "§ 13-1.007-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 13-1.007-3." Any section of DOCPR may be informally identified, for purposes of brevity, as DOCPR followed by the section number, i.e., "DOCPR 13-1.007-3."

§ 13-1.008 Agency implementation.

§ 13-1.008-50 Particular regulatory requirements of Operating Units or Departmental Offices.

DOCPR issuances may be requested by heads of operating units or Departmental offices to provide for their special regulatory requirements. Such requests shall be submitted to the Assistant Secretary for Administration for approval and issuance as appropriate.

§ 13-1.009 Deviation.

Deviations from the FPR and DOCPR shall be kept to a minimum and controlled as prescribed in this section.

§ 13-1.009-2 Procedure.

(a) Deviations in both individual cases and classes of cases must be authorized in advance by the Director, Office of Administrative Services and Procurement (OAS&P). Requests for such authorization may be initiated by the heads of operating units or by the heads of their procuring activities. Requests shall: Cite the specific parts of the FPR or DOCPR from which it is desired to deviate; provide a full description of the deviation; indicate the circumstances which will require use of the deviation; and give detailed reasons supporting the action requested.

(b) Where the deviation applies to a class of cases, authorization will be

subject to prior coordination with the General Services Administration by the Office of Administrative Services and Procurement unless, in the considered judgment of the Director, OAS&P, and with due regard to the objective of uniformity, circumstances preclude such coordination. In such an instance, the Office of Administrative Services and Procurement shall inform the GSA of the deviation and circumstances under which it was required.

(c) Authorization will be by memorandum addressed to the requesting officer with copies to any other interested offices. The contract file(s) of the requesting office shall include a copy of the request and approval. Class deviations will be issued as a part of DOCPR, if they are of a continuing nature and publication is deemed appropriate by the Assistant Secretary for Administration.

§ 13-1.009-3 Limitations on deviation.

Deviations concerning Automated Data Processing procurement shall be processed according to the procedures in paragraphs (a) through (c) of § 13-1.009-2 except that the Director, Office of Automatic Data Processing Management (OADPM) shall be the authorizing and coordinating authority in lieu of the Director, OAS&P in paragraphs (a) and (b) of § 13-1.009-2.

Subpart 13-1.2—Definitions of Terms

§ 13-1.201 Definitions.

For the purposes of this chapter, and unless otherwise indicated, the following terms have the meanings set forth in this subpart.

§ 13-1.204 Head of the agency.

"Head of the agency" means the Assistant Secretary for Administration, unless otherwise indicated in a specific section of this Chapter 13.

§ 13-1.205 Procuring activity.

"Department of Commerce Procuring Activity" means that organizational element or associated elements of an operating unit or Department office to which procurement authority and responsibility has been delegated.

§ 13-1.206 Head of the procuring activity.

"Head of the procuring activity" means the head of an operating unit or Departmental office which has been delegated procurement authority by the Assistant Secretary for Administration or that deputy, assistant or associate head of the operating unit or Departmental office to whom procurement authority is in turn delegated together with assignment of responsibility for direction and management of the procuring activity. Authorities and responsibilities of the head of the procuring activity shall not be redelegated.

§ 13-1.250 Organizational elements.

The definitions of various Departmental organizational elements as contained in the Department's Organizational Order series shall apply to Departmental organizational elements referred to in Chapter 13 (DOCPR).

Subpart 13-1.3—General Policies

§ 13-1.302 Procurement sources.

§ 13-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

When a requisitioning office becomes aware that a suggested procurement source is either a Government employee(s) or a business or organization substantially owned by a Government employee(s), or the spouse or immediate family of a Government employee(s) the appropriate procurement office shall be immediately notified and shall seek alternative sources. If no alternative sources can be located, the requisitioning office shall prepare a written justification to clearly support a contracting officer decision to procure from the Government employee source and to provide for actions, where possible, to prevent future related procurements from employee sources. Approvals shall be obtained from the head of the operating unit or Departmental office responsible for the requisitioning office and from the Assistant Secretary for Administration or designee prior to any procurement award to a Government employee source.

§ 13-1.305 Specifications.

§ 13-1.305-3 Deviations from Federal specifications.

The head of each procuring activity shall be responsible to ensure that the requirements contained in 41 CFR 1-1.305-3 are met and that the recommendations and notifications required therein are submitted to the General Services Administration.

§ 13-1.306 Standards.

§ 13-1.306-1 Mandatory use and application of Federal standards.

Justifications and requests for exceptions from mandatory use of Federal standards as required by 41 CFR 1-1.306-1 shall be submitted to the General Services Administration by the head of the procuring activity requiring the exception.

§ 13-1.313 Records of contract actions.

§ 13-1.313-50 General procedures.

All Departmental procuring activities or organizational elements thereof shall maintain an official file for each contract issued, regardless of its dollar

value. Each such contract file must constitute an independent record, documented to provide a complete chronology of all contract related actions, including sufficient data to explain and support the rationale, judgments and authorities upon which each decision or action was predicated.

§ 13-1.313-51 Exceptions.

Procurements which are valued at less than \$10,000 and made pursuant to small purchase authorities as well as delivery orders and purchase orders, regardless of their value, which are issued against existing Government contracts and related documents, may be combined in categorically organized files according to the specific instructions of individual procuring activity heads.

§ 13-1.317 Noncollusive bids and proposals.

§ 13-1.317-50 Procedures.

(a) The authority to make the determination described in paragraph (d) of the "Certificate of Independent Price Determination" (See 41 CFR 1-1.317(a)) shall vest in the heads of the individual procuring activities without authority to redelegate.

(b) Where a certification is suspected of being false or there is indication of collusion, the procuring activity shall collect and prepare documents and additional information in accordance with 41 CFR 1-1.902 and 1-1.903, and the head of the procuring activity shall transmit the matter to the Assistant Secretary for Administration. The Assistant Secretary for Administration shall have the matter referred to the Attorney General for appropriate action when, after coordination with the General Counsel or his designee, it is the Assistant Secretary's opinion that there is evidence of any violation of the antitrust laws.

§ 13-1.318 Disputes clause.

§ 13-1.318-1 Contracting officer's decision under the Disputes Clause.

Where a dispute cannot be settled by agreement and a decision under the Disputes Clause is necessary, the contracting officer will prepare a letter to the contractor containing written findings of fact and a final decision pursuant to the Disputes Clause of the contract. This decision document should:

- (a) Identify the claim, including the date of submission and name and title of the submitter of the claim,
- (b) Set forth the contracting officer's decision and related findings of fact in sufficient detail to enable the contractor to understand both the decision and the basis therefor,
- (c) Reference the disputes clause as the authority for the decision,
- (d) Include the paragraph contained in 41 CFR 1-1.318-1, and

(e) Cite the Department's rules for contractor appeals from decisions of contracting officers (Title 15 CFR Part 3).

§ 13-1.318-50 Coordination of proposed decisions.

As required by internal directives, contracting officers shall refer proposed final decisions made under disputes clauses to the head of the procuring activity and to appropriate legal counsel for clearance before forwarding them to contractors.

§ 13-1.318-51 Modifications or withdrawal of decisions.

After issuing the final decision, but prior to the contractor filing a timely notice of appeal, the contracting officer and the contractor may continue to seek agreement and the contracting officer may modify or withdraw his final decision pursuant to such agreement. Such withdrawal or modification shall be set forth in a written document, with modifications in the form described in § 13-1.318-1 and coordinated as prescribed in § 13-1.318-50.

§ 13-1.318-52 Appeals from contracting officer decisions.

Rules of procedure for handling contract appeals from decisions of Department of Commerce Contracting officers are published as Part 3 of Title 15 of the Code of Federal Regulations.

§ 13-1.327 Protection of the privacy of individuals.

§ 13-1.327-5 Procedures.

The following notice shall be included in every solicitation and resulting contract and in every contract awarded without a solicitation in which the clause titled "Privacy Act" as contained in 41 CFR 1-1.327-5(c) is incorporated:

**NOTICE OF DEPARTMENT OF COMMERCE'S
PRIVACY ACT POLICIES**

With reference to the contractor's compliance with requirements set forth under paragraph (a)(1) of the Privacy Act clause, the contractor is hereby notified that the Department's Privacy Act policies and procedures are contained in Title 15, CFR, Part 4b. All applicable inquiries are to be directed to the appropriate Privacy Officer as required by 15 CFR 4b.3.

**Subpart 13-1.4—Procurement
Responsibility and Authority**

§ 13-1.450 Responsibilities of other Government personnel.

§ 13-1.450-1 General.

(a) Responsibilities for preparing procurement item descriptions, specifications and work statements and for determining delivery requirements and fund availability or restraints rest with the program office or requisition-

ing activity. Responsibilities for determining the method of procurement, type of contract, conduct of the procurement process, suitability of prices and execution of required contract documents rest with the procurement activity, the contracting officer in particular.

(b) Personnel responsible for requisitioning should maintain a close and continuous relationship with their supporting procurement activity to ensure that appropriate procurement personnel are made aware of contemplated procurement actions or possible complications far ahead of the actual contracting phase of procurement. This will be mutually beneficial in terms of better program and procurement planning as well as providing for more timely, efficient and economical acquisitions.

(c) Personnel not delegated contracting authority may not commit the Department, formally or informally, to any type of contractual obligation either before or after contract award. However, all personnel who require procurement support in accomplishing their missions or assignments must support the procuring activity and the Contracting Officer in ensuring that (1) requirements are clearly defined and specified; (2) competitive sources are solicited, evaluated and selected; (3) quality standards are prescribed and met; (4) performance or delivery is timely; (5) prices, estimated costs and fees are reasonable; (6) contract provisions, procurement regulations and applicable laws are complied with; and (7) files are sufficiently documented to substantiate the judgments, decisions and actions taken.

(d) Varying degrees of cooperation, communication and planning are necessary commensurate with the dollar value, complexity, legal and regulatory environment or other factors incident to each particular contemplated procurement. Planning and reporting requirements contained in this and later sections of the DOCPR are general requirements and are by no means all inclusive. All those involved in a procurement must be careful to assure adequate coordination among the procurement, the requisitioning and any other affected organizations.

§ 13-1.450-2 Planning for procurement.

(a) All program and project planning shall include plans for procurement of anticipated supply, equipment or service requirements.

(b) Where funds of another Government Agency are provided or are to be provided under the Economy Act or other appropriate authority, programs undertaken by any Commerce activity and requiring procurement actions shall be coordinated with the appropriate procurement offices prior to any commitment to accept the requisitioning agency or sponsoring agency deadlines.

(c) Program and project managers should solicit the advice and assistance of procurement personnel in developing the procurement element of the program and project plans so that the following factors can be considered early in the planning process.

(1) Definitions of requirements in terms of specifications or work statements for use in invitations for bids, requests for proposals, and contract provisions.

(2) Development of "in-house" estimates for cost of property or services to be procured, and identification of appropriated funds available for the contract.

(3) Identification of factors which require special consideration, including but not limited to; source evaluation criteria; providing facilities and equipment; quality control; product qualification testing and acceptance; patents and copyright reporting requirements; and other approvals or clearances (e.g., Security or Personnel clearances).

(4) Development of lead-time necessary to complete the procurement process, i.e., prepare and process the purchase request, prepare and process any necessary determination and findings, locate and evaluate sources, receive and evaluate bids or proposals, conduct preaward audits, conduct preaward surveys or conferences, and negotiate and/or award the contract or contracts.

(d) It is incumbent upon initiators of procurement requirements to obtain timely approvals from higher authority whenever such approvals are required by regulations of this Department or other Government agencies; e.g., procurement of data processing resources; procurement of management consultant services; clearances by Office of Management and Budget; Government Printing Office, Treasury Department, General Services Administration, etc. However, Agency Procurement Requests (APR's) required to be sent to GSA under 41 CFR 1-4.1104 for ADP procurements will be processed by the Departmental Office of Automatic Data Processing Management as required by DAO 212-1.

§ 13-1.450-3 Procurement planning reports.

(a) In order to assure continually effective, economical and timely procurement throughout the Department, each operating unit and/or Departmental office shall report procurement plans as indicated in the following paragraphs:

(1) *General Office Supply and Equipment Requirements.* At least 90 days prior to the beginning of each fiscal year, an itemized listing of general office supplies, equipment and

furnishings required for the ensuing fiscal year shall be submitted to the appropriate procurement office for planning purposes. Required items which are normally available through GSA Supply Stores or by requisition through any other established Government supply system need not be reported. The listings shall include total quantities, required delivery dates and respective delivery quantities if multiple deliveries are required. Each item shall be described in general terms and brand names, makes and/or model names or numbers shall be avoided wherever possible.

(2) *Specialized Supply, Equipment, Furniture and Service Requirements.* At least six months prior to the beginning of each fiscal year an itemized listing of anticipated specialized supply, equipment, furniture and service requirements shall be submitted to the appropriate procurement office for planning purposes. The listing shall include estimated total quantities or efforts and anticipated required delivery dates. Each item listed shall be described in synopsis form sufficient for publicizing in the *Commerce Business Daily*. (See S 1-1.1003-1.)

(3) Heads of affected procuring activities may waive the reporting requirements contained in this Section for specific procurements or for specified classes of procurements where unusually short procurement lead-time or other extraordinary circumstances exist.

(4) Except where reporting requirements have been waived in accordance with paragraph (a)(3) of this section, requisitions containing procurement needs which are additional to those listed in the procurement plans submitted under the requirements of paragraphs (a) (1) and (2) of this section shall be accompanied by narrative justification explaining why those needs were not or could not have been included in the procurement plans. Such requests shall be submitted to the appropriate procurement office through an official designated by the head of the departmental office or operating unit.

(b) Each departmental office and/or operating unit should develop and issue implementing procedures to provide for collection of procurement planning data from all subordinate organizations in order to accommodate timely submission of the required reports.

§ 13-1.450-4 Planning for major systems acquisitions.

(a) Upon approval of a mission need by the Secretary (See DAO 208-3 and OMB Circular A-109) the Department's Acquisition Executive shall designate the procurement office which will provide procurement support throughout all phases of that major

systems acquisition process. (See DOC PR 13-4.50.)

(b) Upon notification of the designation of a supporting procurement office, the program manager shall, within 60 days, contact that procurement office for assistance in developing an overall procurement plan to be submitted to the acquisition executive for approval. The overall procurement plan shall include a schedule for completion of at least each of the following functions for each of the major systems acquisition procurement phases (i.e. exploration of alternative systems, competitive demonstrations, full-scale development and production):

- (1) Development of a solicitation in terms of mission need.
- (2) Advance publicity for the initial, exploration phase.
- (3) Issuance of Requests for Proposals (RFP's).
- (4) Closing dates for RFP's.
- (5) Evaluation and award.
- (c) All changes in the overall procurement plan shall be submitted by the program manager to the acquisition executive along with a narrative explanation of the necessity for each change.

§ 13-1.450-5 Precontract support.

After submission of the requirement to the procurement activity, program personnel must continue to support the procurement process by providing advice and assistance to the contracting officer in activities such as:

- (a) Formulation of procurement schedules.
- (b) Conduct of presolicitation or prebid/preproposal briefings of prospective contractors.
- (c) Conduct of precaward surveys to determine contractor responsibility.
- (d) Evaluation of technical and business proposals submitted by contractors, including requests for Government-furnished facilities and equipment.
- (e) Development or evaluation and documentation of plans, procedures, and contract provisions relating to quality control, inspection, test data, patent data and acceptance of products or services.
- (f) Establishment of contract requirements concerning packing, packaging, marking, inspection, point of acceptance, and shipment of products.

§ 13-1.450-6 Postaward contract administration.

(a) Upon execution of the contract by the contracting officer and the contractor, the mutual obligations of the Government and the contractor are established by and limited to the written stipulations in the contract instrument. Unless authorized by the contracting officer, program or technical personnel shall not direct or request

the contractor to assume any obligation or take any action not specifically stated in the contract. Only the contracting officer may impose on the contractor any requirement which will result in a change to the contract. All contract changes must be directed in writing or confirmed in writing by the contracting officer.

(b) The role of program, technical, and other personnel in postaward administration of the contract is to assist or advise the contracting officer (or act as his representative when so designated by the contracting officer) in activities such as:

- (1) Conduct of conferences to ensure mutual understanding between the Government and the contractor as to the scope of the contract, technical and business requirements, and the rights and obligations of the parties.
- (2) Technical liaison during contract performance and matters relating to product delivery, acceptance, or rejection.
- (3) Evaluation of contractor performance, evaluation of reports and data, subcontract management, utilization of facilities and equipment, cost control, etc.
- (4) Contractor systems and procedures evaluation; including accounting policies and procedures, purchasing policy and practices, property accounting and control, wage and salary plans and rate structures, personnel policies and practices, etc.
- (5) Modification, renewal, or termination of the contract.
- (6) Processing of final decisions under the disputes clause and appeals therefrom.

PART 13-3—PROCUREMENT BY NEGOTIATION

Subpart 13-3.8—Price Negotiation Policies and Techniques

Sec.
13-3.805-50 Evaluation procedures—Use of the Source Selection Advisory Boards System.

Subpart 13-3.8—Price Negotiation Policies and Techniques

§ 13-3.805-50 Evaluation procedures—Use of the Source Selection Advisory Boards System.

(a) The Source Selection Advisory Boards System (SSABS) shall be used by all operating units and Departmental offices for evaluating competitive negotiated procurement proposals when:

- (1) The estimated value of the procurement is expected to exceed \$1,000,000 or,
- (2) The estimated value of the immediate procurement is expected to be less than \$1,000,000, but continuing related procurements are foreseeable

and the cumulative total may exceed \$1,000,000 or,

(3) The estimated value of the procurement is not expected to exceed \$1,000,000 but the head of the requisitioning office or activity, either independently or at the request of the contracting officer, determines in writing that SSABS processing is desirable and would be cost effective. Such written determinations shall be forwarded to the cognizant contracting officer for inclusion in the official procurement file.

(b) Procurements which are formally advertised or noncompetitively negotiated and procurements for Architect-Engineer Services are specifically excluded from consideration for SSABS Action.

(c) The detailed operating procedures for Source Selection Advisory Boards Systems are contained in Department Administrative Order DAO 208-15 and in the specific implementing instructions of each Departmental office or operating unit.

(Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Order 10-5)

PART 13-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 13-4.9—Unsolicited Proposals

- Sec.
13-4.900 Scope of subpart.
13-4.902 Policy.
13-4.903 Agency program direction and operation.
13-4.905 Advance guidance.
13-4.908 Agency points of contact.
13-4.909 Receipt, review and evaluation.
13-4.910 Method of procurement.

Subpart 13-4.50—Procurement Support for Major Systems Acquisition

- 13-4.5001 General.
13-4.5002 Major systems acquisition procurement phases.
13-4.5002-1 Procurement of alternative systems designs.
13-4.5002-2 Procurement of competitive systems demonstrations.
13-4.5002-3 Contracting for full scale development of a major system.
13-4.5002-4 Contracting for production of additional identical systems.

AUTHORITY.—Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Order 10-5.

Subpart 13-4.9—Unsolicited Proposals.

§ 13-4.900 Scope of subpart.

This subpart implements 41 CFR Subpart 1-4.9 and provides Departmental policies and procedures concerning submission, receipt, handling, evaluation and making acquisition decisions concerning unsolicited proposals.

§ 13-4.902 Policy.

It is the policy of the Department to invite public interest in its various missions and to encourage submission of innovative ideas and suggestions which will help to improve or enhance any of the Department's activities.

§ 13-4.903 Agency program direction and operation.

Each operating unit and Departmental office should develop policies, procedures and guidelines sufficient to assure implementation of the provisions in this subpart and in 41 CFR Subpart 1-4.9.

§ 13-4.905 Advance guidance.

(a) All Departmental employees should be instructed to welcome and encourage inquiries relative to the Department's missions, needs and methods of operation and to refer inquiries to the program or technical offices concerned with the subject matter of an inquiry. Any inquiry which indicates the possibility of or may lead to procurement action shall be promptly directed to the head of the procuring activity for processing coordination. Employees should be further instructed; (1) to advise inquirers not to submit proposals before communicating with the appropriate control point (see § 13-4.908) and; (2) to immediately forward all unsolicited proposals received to the appropriate control points.

(b) Control Point Officials shall provide a properly completed Department Form CD-330 (Instructions for Submission of Unsolicited Proposals),¹ along with a copy of the publication, *How to Sell to the Department of Commerce* and any additional material prescribed by their operating unit or Departmental office to each inquirer whose inquiry may result in submission of an unsolicited proposal.

§ 13-4.908 Agency points of contact.

Heads of Procuring Activities or their designees shall serve as control points for coordination, receipt and handling of unsolicited proposals. The Deputy Director for Program Development, Office of Administrative Services and Procurement is the control point for unsolicited proposals which are of interest to a Departmental office or operating unit that does not have an internal procuring activity and for proposals which are of interest to more than one Departmental office or operating unit.

§ 13-4.909 Receipt, review and evaluation.

(a) Control Point Officials shall acknowledge receipt of unsolicited proposals within ten (10) working days by a letter using the following format:

DEAR _____:

This is to acknowledge receipt of your unsolicited proposal dated _____, and to advise you of the policies of the Department of Commerce for treatment of unsolicited proposals.

The Department encourages submission of ideas, concepts or suggestions which may apply to any Commerce activity. Such submissions often help us to accomplish our various missions more efficiently or effectively.

When ideas are truly original or unique and germane to the missions of the Department, they may cause the Department to enter into a contractual relationship with the submitter. In other cases, where proposals do not contain proprietary information and the Department decides to implement the suggestions contained therein, the Department is free to enter into any resultant contracts by means of normal competitive procurement processes. The Department's acceptance of an unsolicited proposal for evaluation purposes does not imply a promise to pay, a recognition of novelty or originality, nor a promise to restrict the use of information to which the Government would otherwise be entitled.

If your proposal contains information which you or your organization wishes to be used only for evaluation and not disclosed for other purposes, you must specifically identify such data by including the following legend on the title page and by marking each sheet containing restricted data with the legend contained in parentheses below:

USE AND DISCLOSURE OF DATA

This data shall not be disclosed outside the Government and shall not be duplicated, used, or, disclosed in whole or in part for any purpose other than to evaluate the proposal: *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in the data if it is obtainable from another source without restriction. The data subject to this restriction is contained in sheets _____. (Use or disclosure of proposal data is subject to the restriction on the title page of this Proposal.)

Proposals or parts thereof submitted without the appropriate restrictive legends prescribed above may be handled as if free of all restrictions. If your proposal contains a restrictive endorsement or notice other than the ones prescribed above, you must either correct such notice or remove the restricted material prior to any evaluations by the Department.

You are requested to acknowledge this letter and to indicate whether or not you wish your proposal to be evaluated. Pending a reply from you, your proposal will not be accepted for evaluation, but will be held in safekeeping.

Sincerely,

(b) Upon receipt of a response to the letter prescribed in paragraph (a) above, requesting evaluation, Control Point Officials shall review the proposal in accordance with 41 CFR 1-4.909(b) (1) and (2) and 1-4.913(b) and

shall coordinate processing and evaluation of the proposal in accordance with 41 CFR 1-4.909 (c), (d) and (e) and the following:

(1) The original and each copy of the unsolicited proposal shall be covered by a sheet of paper marked with the notice contained in 41 CFR 1-4.913 (c) (or as such notice is modified pursuant to circumstances described under 41 CFR 1-4.913 (d) or (e)), unless the offeror gives a clear written indication that no restrictions on the disclosure or use of the data contained in the proposal are desired.

(2) Within ten (10) working days after receipt of an unsolicited proposal which conforms to the requirements of this DOCPR Subpart, Control Point Officials shall forward a copy of the proposal along with a Department Form CD-331 (Instructions for Technical Evaluation of Unsolicited Proposals)² to the appropriate technical or program office for evaluation. If more than one Department activity may have interest in a particular proposal, copies of the proposal shall be circulated to each interested office.

(3) Program or technical offices receiving unsolicited proposals for evaluation shall conduct their evaluations in accordance with this DOCPR Subpart, 41 CFR Subpart 1-4.9, Department Form CD-331 (see paragraph (b)(2) of this section) and with any additional policies provided by the cognizant operating unit or Departmental office.

(4) Evaluations shall be completed and recommendations submitted to the Control Point Official within sixty (60) working days after receipt of a proposal for evaluation. All copies of the unsolicited proposal shall be returned to the Control Point Official with the completed evaluation recommendations.

(5) Unsolicited proposals and any material contained therein shall not be duplicated nor circulated outside of the evaluating office and shall be closely safeguarded to prevent disclosure of any restrictive data. Only Control Point Officials or their designees are permitted to duplicate unsolicited proposals and then only to facilitate evaluation by more than one technical entity or multiple evaluations within one technical entity.

§ 13-4.910 Method of procurement.

(a) Control Point Officials shall return all copies of unsolicited proposals not recommended for noncompetitive procurement action to the submitter along with reasons for the return in accordance with 41 CFR 1-4.910.

¹The Department form CD-330 will not be published as a part of these regulations. However, the original form is on file with the original of this document in the Office of the Federal Register.

²The Department Form CD-331 will not be published as a part of these regulations. However, the original form is on file with the original of this document in the Office of the Federal Register.

(b) Unsolicited proposals which are acceptable and recommended for non-competitive procurement together with appropriate requisition documents shall be forwarded by Control Point Officials to an appropriate contracting office for procurement action. If multiple requests for procurement are received pursuant to evaluations of the same unsolicited proposal, procurement actions shall be combined wherever practicable.

Subpart 13-4.50—Procurement Support for Major Systems Acquisitions

§ 13-4.5001 General.

Basic management and program policies and procedures for acquisition of major systems are contained in OBM Circular A-109 and DAO 208-3. In addition, the Office of Federal Procurement Policy (OFPP) Pamphlet No. 1 contains further guidance for application of OMB Circular A-109 and DOCPR § 13-1.450-4 provides for reporting major systems procurement plans by program managers. Generally, the procurement guidelines contained in OFPP Pamphlet No. 1 dated August 1976, should be followed wherever practicable in the procurement phases of major systems acquisitions. This DOCPR Subpart shall serve to implement and supplement the above described document.

§ 13-4.5002 Major systems acquisition procurement phases.

There are four interdependent procurement phases to be performed in succession for acquisition of major systems. They are: (a) Alternative systems design procurement, (b) Procurement of competitive systems demonstrations, (c) Contracting for full scale development of the major system, and (d) Contracting for production of identical additional systems. Generally, traditional negotiated procurement practices and methods should be used in accomplishing each of the above procurement phases. However, the following subsections provide additional guidelines and procedures which shall be followed to enhance effective acquisitions of major systems.

§ 13-4.5002-1 Procurement of alternative systems designs.

(a) The initial procurement effort for acquisition of a major system is to solicit competitive proposals for developing alternative systems designs. Parallel short term contracts for development of systems designs shall be negotiated with and awarded to as many qualified offerors as funding restraints and other considerations permit.

(b) Each request for proposals (RFP) for alternative systems designs shall contain a provision indicating the possibility of future contingent pro-

curements and requiring the offeror's participation in the competitive demonstration procurement phase, if the offeror's proposal is determined to be acceptable to the major system acquisition effort. Following is a sample clause which will accommodate these requirements:

NOTICE OF REQUIREMENT TO PARTICIPATE IN LATER PROCUREMENT

This solicitation and resulting contracts represent the first procurement phase in an overall Major System Acquisition plan which may require future related procurements. Awards will be made to as many offerors, whose proposals are determined to be acceptable, as funding restraints and other program limitations or considerations may permit. Only those offerors who are awarded contracts pursuant to this solicitation will be eligible for later related procurements. Accordingly, the offeror, by accepting award under this solicitation, agrees to participate in a possible subsequent procurement for competitive, prototype or model system demonstrations.

§ 13-4.5002-2 Procurement of competitive systems demonstrations.

(a) Systems demonstration contracts shall be negotiated with as many alternative system design phase contractors, whose systems designs have been selected for demonstration, as available funding will permit.

(b) Each contract for competitive demonstration shall contain a provision requiring the contractor to:

(1) Submit a plan for the necessary plant and equipment to accomplish full-scale development and limited production of the demonstrated system. This plan may involve purchase or lease arrangements, teaming or subcontracting arrangements with companies which have the necessary plant facilities and equipment to develop and produce the system.

(2) Participate in the full-scale development procurement phase if the contractor's proposed system is selected for limited production development.

(3) Submit a proposal for full-scale development and initial production before the conclusion of the demonstration.

(c) Following is a sample clause which will accommodate the above requirements:

NOTICE OF REQUIREMENTS TO PROVIDE FULL-SCALE DEVELOPMENT CAPABILITIES AND TO PARTICIPATE IN LATER PROCUREMENT

This system design demonstration contract represents the second procurement phase in an overall Major System Acquisition plan which may require future related procurements. Accordingly, the contractor by accepting this contract agrees to participate in a possible later procurement of full-scale development and limited production of the contractor's demonstrated system. Further, the contractor agrees to submit upon beginning the demonstration under this contract, a plan for the necessary plant and equipment to accomplish full-scale development and limited production of the demon-

strated system. The contractor also agrees to submit, before conclusion of the demonstration, a final proposal including estimated cost data and delivery times for full-scale development and initial production of the demonstrated system.

§ 13-4.5002-3 Contracting for full-scale development of a major system.

If the Secretary selects a system for full-scale development from among those demonstrated in the competitive demonstrations procurement phase, a contract shall be negotiated with the submitter of the selected demonstrated system for development and production of one system for test, evaluation and implementation.

§ 13-4.5002-4 Contracting for production of additional identical systems.

Following satisfactory test and evaluation results and reconfirmation of additional mission need and program objectives, the Secretary may authorize additional contracts for production of systems identical to the system procured in the full-scale development phase.

Dated: May 5, 1978.

Approved for issuance by:

ELSA A. PORTER,
Assistant Secretary for Administration,
U.S. Department of Commerce.

[FR Doc. 78-14243 Filed 5-22-78; 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: Enlargement of time to seek reconsideration; denial of stay.

SUMMARY: Limited amount of additional time to seek reconsideration of the final rules in this proceeding (43 FR 18175; April 28, 1978) is necessary to allow overseas parties to confer with counsel and develop their views. Stay of effective date not necessary as sufficient time has been provided for compliance with rules.

DATE: Petitions for reconsideration to be filed by June 9, 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: Counsel for Associated North Atlantic

Freight Conferences, et al. has requested a 60-day enlargement of time to file petitions for reconsideration of the final rules in this proceeding and also for stay of the rules pending reconsideration. A certain extension of time to allow counsel to confer with overseas clients and to allow the carriers to meet and consider to what extent reconsideration of the rules should be sought seems appropriate. However, 60 days would appear excessive. Indeed, counsel for other conferences of carriers suggests an extension to June 9, 1978, would be sufficient. We agree. Time for filing petitions for reconsideration is so extended.

We are not persuaded that a stay is necessary or appropriate. The rules were served 2½ months prior to the July 1, 1978, effective date. Counsel claims this allows insufficient time for compliance because qualified neutral bodies will have to be contracted to perform the policing functions required by the new rules or existing contracts will have to be renegotiated. We note, however, that the conferences and associations seeking the stay already employ an experienced neutral body. It has not been shown why any renegotiation of contract would require more time than already provided. Accordingly, the petition for stay is denied.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14346 Filed 5-22-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendments Deleting Certain Sections of the Rules

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Certain sections of the Commission's rules regarding assignment of frequencies to ship radio telegraph stations have been overtaken by time and superseded by changes in the rules. We are therefore deleting these sections.

EFFECTIVE DATE: May 31, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: May 16, 1978.

Released: May 17, 1978.

1. Section 83.332 of the Commission's rules contains provisions regarding the assignment of frequencies to ship radiotelegraph stations and § 83.333 of the rules indicates the available "High traffic ship radiotelegraph working frequencies." These sections of the rules were superseded by the Commission's actions in the Report and Order, Docket No. 20813, FCC 77-380, released June 10, 1977, which implemented the changes into our rules to the International Radio Regulations adopted at the 1974 World Administrative Radio Conference regarding telegraphy.

2. Accordingly, the Commission's rules are being amended to delete §§ 83.322 and 83.333. Authority for this amendment is contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature and the provisions in these sections are no longer applicable the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

3. In view of the above: *It is ordered*, That the rule amendment set forth below is adopted effective May 31, 1978.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,

R. D. LICHTWARDT,
Executive Director.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

§ 83.332 [Deleted]

1. Section 83.332 is deleted.

§ 83.333 [Deleted]

2. Section 83.333 is deleted.

[FR Doc. 78-14242 Filed 5-22-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Final Threatened Status and Critical Habitat for the Leopard Darter; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction.

SUMMARY: The Fish and Wildlife Service's list of counties designated critical habitats for the threatened species, the Leopard Darter, has an error. This document corrects the error in the list of counties. These habitats are preserved in order to assure the continued existence of a threatened species.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

In FR Doc. 78-2182 in the issue for Friday, January 27, 1978, page 3715, the following county names are corrected. In the middle column lines 6, 12 and 19 from the bottom of the page, Pushmataha County should be, and is hereby, changed to read McCurtain County.

Dated: May 16, 1978.

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

[FR Doc. 78-14299 Filed 5-22-78; 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.

[1620-01]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 416]

ACCOUNTING FOR INSURANCE COSTS

Cost Accounting Standard; correction

AGENCY: Cost Accounting Standards Board.

ACTION: Proposed Rule—correction.

SUMMARY: This document corrects a proposed rule on accounting for insurance costs which appears at page 20806 of the FEDERAL REGISTER of May 15, 1978.

DATE: Written comments must be received on or before June 30, 1978.

ADDRESSES: Written comments should be sent to the Cost Accounting Standards Board, 441 G Street NW., Room 4836, Washington, D.C. 20548.

NOTE.—All written submissions made pursuant to this Notice will be made available for public inspection at the Board's Office during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Robert Straith, Associate Director, Cost Accounting Standards Board, 441 G Street NW., Room 4836, Washington, D.C. 20548, 202-275-6136.

SUPPLEMENTARY INFORMATION:

FR Doc. 78-13169, appearing at page 20806 in the FEDERAL REGISTER for Monday, May 15, 1978, contained an omission, as set forth below.

On page 20811, following paragraph § 416.10, insert the following paragraph:

§ 416.20 Purpose.

The purpose of this Standard is to provide criteria for the measurement of insurance costs, the assignment of such costs to cost accounting periods, and their allocation to cost objectives. The application of these criteria should increase the probability that insurance costs are allocated to cost objectives in a uniform and consistent manner.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 78-14256 Filed 5-22-78; 8:45 am]

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

AUDIT OF REA BORROWERS' ACCOUNTING RECORDS

Proposed Revision of REA Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: This action concerns the revision of REA Bulletin 185-1: 467-1, Audit of REA Borrowers' Accounting Records. Changes to the Professional Standards by the American Institute of Certified Public Accountants (AICPA) require revision of this bulletin. The revised bulletin updates REA requirements with the generally accepted auditing standards of the accounting profession as promulgated by the AICPA. When the revisions to the bulletin are issued, Appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than June 22, 1978.

ADDRESS: Submit written comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250; submissions are available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-7221.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 185-1:465-1, Audit of REA Borrowers' Accounting Records.

GENERAL SUMMARY OF CHANGES

The information required in the notes to the financial statements and in the supplemental letter is to include the disclosures required by the Ac-

counting Principles Board Opinion No. 22 and recent Statements on Auditing Standards issued by the American Institute of Certified Public Accountants. These additional requirements relate to disclosure of accounting policies, the effects of EDP on the evaluation of internal control, and disclosure of related party transactions.

A copy of the proposed revision of REA Bulletin 185-1:465-1 may be secured in person or by written request from the Director, Accounting and Auditing Division.

Dated: May 16, 1978.

DAVID A. HAMIL,
Administrator.

[FR Doc. 78-14164 Filed 5-22-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

RURAL ELECTRIC PROGRAM

Supplemental Loan Criteria

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposed to revise REA Bulletin 20-14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act. This bulletin provides REA borrowers with criteria for eligibility and the proportion of supplemental financing expected to be obtained from non-REA lenders under the concurrent loan program. The proposed change consists of a revised "Sample Board Resolution Requesting Concurrent Financing" (Attachment B). The change will simplify the calculation of the amounts to be provided by the supplemental lender including any required equity investment in the supplemental lender. The same instructions should also be applied to calculations on Section B of REA Form 740c, Cost Estimates and Loan Budget for Electric Borrowers.

DATE: Public comments must be received by REA no later than June 22, 1978.

ADDRESS: Persons interested in the proposed bulletin may submit written data, views or comments to the Director, Electric Borrowers' Management Division, Room 3346, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this

notice will be made available for public inspection at the Office of the Director, Electric Borrowers' Management Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles R. Weaver, Director, Electric Borrowers' Management Division, Rural Electrification Administration, Room 3346, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-5900.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to modify the calculation method for concurrent financing as follows:

New Financing Requested for Facilities \$—
 REA Loan Requested for Facilities (%) \$—
 Total Supplemental Loan (%) \$—
 Required Investment in Supplemental Lender (CTC's) \$—
 Supplemental Loan Requested for Facilities \$—^a

Instructions

^aMultiply New Financing Requested for Facilities by the appropriate percentage of plant financing to be obtained from REA as determined by current PRR. Round to nearest thousand.

^bMultiply New Financing Requested for Facilities by the appropriate percentage of plant financing to be obtained from a supplemental lender. When CFC is the supplemental lender divide the result by 0.95 and round to the nearest thousand, and

^cMultiply the Total Supplemental Loan by 0.05 to obtain the amount of Capital Term Certificates (CTC's) required, and

^dMultiply the Total supplemental Loan by 0.95 to obtain the amount available for facilities.

Adjust: New Financing Requested for Facilities such that it equals the sum of the REA Loan Requested for Facilities and the Supplemental Loan Requested for Facilities (* + ^d).

A copy of proposed revision to REA Bulletin 20-14 may be secured in person or by written request from the Director, Electric Borrowers' Management Division.

Dated: May 15, 1978.

RICHARD F. RICHTER,
 Assistant Administrator,
 Electric.

[FR Doc. 78-14165 Filed 5-22-78; 8:45 am]

[3410-34]

Animal and Plant Health Inspection Service

[9 CFR Part 85]

PSEUDORABIES REGULATIONS

Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this document is to revise a proposed rule which was published in the *FEDERAL REGISTER*, May 27, 1977, the intent of which was to propose regulations which would prevent the spread of pseudorabies in the United States. This new proposal is necessitated by the comments received on the first proposal which justify substantial changes in the original proposal. The new proposal would alter the manner in which the former proposal would have regulated the interstate movement of livestock.

DATE: Comments on or before July 24, 1978.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Room 704, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. J. A. Downard, Chief Staff Veterinarian, Swine Diseases, USDA, APHIS, VS, Room 704, Federal Building, Hyattsville, Md. 20782, 301-436-8487.

SUPPLEMENTARY INFORMATION: On May 27, 1977, there was published in the *FEDERAL REGISTER* (42 FR 27250-27251) proposed regulations intended to prevent the spread of pseudorabies in the United States. That proposal was published because of an alarming increase in the number of cases of pseudorabies in the United States. Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is primarily a disease of swine caused by a herpes virus. Occasionally, this disease also infects other livestock, dogs, cats, and wild animals causing a fatal encephalomyelitis manifested by intense itching and self-mutilation. Swine are believed to be the chief reservoir of pseudorabies. In swine the infection is often inapparent, except in suckling pigs which usually develop a fatal encephalomyelitis, and in sows that abort or produce stillborn or mummified fetuses. The number and severity of outbreaks of pseudorabies has been increasing dramatically during the past 3 years and is expected to continue. Since pseudorabies is particularly prevalent in swine, this trend is expected to cause serious financial losses to individual swine producers and the swine industry in general. The proposed regulations are intended to reduce and stop the spread of pseudorabies in the United States. A period of 60 days was provided for comment on the original proposal by interested parties, and 102 letters of comment were received which are summarized as follows: 6 supported the proposal without substantive change; 3 addressed matters not contained in the

proposal; 83 expressed support for the proposal but recommended various changes; and 10 opposed the proposal. Because the comments received numerous problems and questions concerning the proposed regulations, which, after consideration, have resulted in substantial modifications of such proposed regulations, this document proposes such revised regulations for comment again before final promulgation of any regulations to control pseudorabies. The 83 comments supported the proposal, but suggesting various changes, fall into the following general categories:

1. The proposed definition for "exposed livestock" in § 85.1(f) of the original proposal was: "Any livestock that has ever been in contact with an animal affected with pseudorabies or that has ever been inoculated with pseudorabies virus or attenuated or inactivated vaccine, or that has ever been in contact with an inoculated animal." Comments received suggested this definition was excessively restrictive since it would have placed undue restrictions on the movement of pseudorabies-free swine and other livestock if they had ever been in contact with any animal infected with or vaccinated against pseudorabies.

The original proposal would be amended to reflect the fact that susceptible animals other than swine are not known to become carriers and are not known to transmit the disease after a period of 21 days since last being exposed to a clinical case of the disease. The incubation period for pseudorabies virus in animals is relatively short; therefore, animals other than swine are believed not to be potential spreaders of pseudorabies after a period of 21 days since their last exposure to the virus. The term "exposed livestock" would be redefined in § 85.1(n) of this proposal to reflect the foregoing.

The original proposal would impose restrictions on the interstate movement of livestock affected with or exposed to pseudorabies, other than those showing clinical signs of pseudorabies. This proposal would amend the original proposal to allow livestock, other than swine, which are not showing clinical evidence of pseudorabies and have not been exposed to an animal showing clinical evidence of pseudorabies within 21 days prior to the time of movement to be moved interstate without restriction under this part. Livestock exposed to an animal showing clinical evidence of pseudorabies within 21 days prior to the time of movement would not be allowed to be moved interstate.

The original proposal made no provision for changing the classification of exposed swine to swine not known to be infected with or exposed to pseudorabies. Swine are more resistant to

pseudorabies than most other livestock and some swine develop an inapparent carrier state. Such swine are capable of transmitting the disease to other animals even though these carrier swine are apparently healthy. Therefore, swine would be considered to be infected or exposed until they have been found negative to an official pseudorabies test described below. This proposal, by incorporating the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs, proposes a test mechanism for changing the classification of exposed swine to swine not known to be infected with or exposed to pseudorabies. This would be accomplished by conducting two negative 100 percent pseudorabies herd tests conducted as follows: test 100 percent of the herd and remove any official test positive swine; retest entire herd at no more than 30-day intervals until there are two successive negative herd tests. The herd must have two negative herd tests after the removal of any test positive swine to change the classification of exposed swine to swine not known to be infected with or exposed to pseudorabies.

2. The proposed definition of "official test" in § 85.1(m) of the original proposal was found to be unacceptable by the scientific community, since it would not have taken into consideration diagnostic tests for pseudorabies now being developed. It is proposed that the term "official test" be changed to "official pseudorabies test" to better identify the test. It is further proposed that "official pseudorabies test" be revised to permit the use of new tests following their approval by the Deputy Administrator and inclusion in the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs which would be incorporated by reference in the proposed regulations. The definition of "official test" in the original proposal specifies the serum neutralization test and the enzyme labeled antibody test. The enzyme labeled antibody test is still being developed and is not available at the present time. Several new pseudorabies tests are being evaluated at the present time which might be accepted as official pseudorabies tests in the future. Therefore, it is proposed that "official pseudorabies test" be redefined in § 85.1(q) to mean any test for the diagnosis of pseudorabies approved by the Deputy Administrator in accordance with the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs and conducted in an approved laboratory as listed in the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs.

3. The definition of "breeding farm", as originally proposed in § 85.1(n), was

found to be inadequate to assure that all animals in the herd were free of pseudorabies in that there was no provision for systematic testing of the swine on such a farm to assure that pseudorabies was not present. Therefore, in response to comments by producer, technical and regulatory groups, it is proposed that this definition be replaced by the term "qualified pseudorabies negative herd" which appears in § 85.1(dd) of this proposal and which is also described in the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs. It is proposed that a "qualified pseudorabies negative herd" be a herd of swine none of which has been vaccinated for pseudorabies, in which all swine over 6 months of age test negative to an official pseudorabies test. It is proposed that the status of the herd would be maintained by quarterly official pseudorabies tests of 25 percent of the swine over 6 months of age in the herd and finding all swine so tested negative. It is proposed that no swine in the herd be tested twice during the year for qualification purposes; however, it is proposed that all swine over 6 months of age in the herd must be subjected to a test during the year. It is proposed that a minimum of 90 percent of the swine would be required to have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. This requirement would be added to conform with the Minimum Standards as approved by the United States Animal Health Association. Recently established herds often contain swine from numerous sources. The likelihood of swine being in the incubation stages of pseudorabies is much greater in such herds. This proposal would allow swine owners that wish to attain qualified pseudorabies herd status some flexibility in that 10 percent of the herd could be added within 90 days. All swine additions would be required to be from another qualified pseudorabies negative herd or be tested negative for pseudorabies within 30 days before being added to the herd.

4. As originally proposed, to qualify for interstate movement, pseudorabies affected and exposed swine would have been required to be identified by a hole punched in the left ear, and additionally it would have been required that the movement be continuous, without unloading, directly to a recognized slaughtering establishment for immediate slaughter. Comments received pointed out that the proposed ear punch identification would endanger the swine involved and could be a means of disease spread due to extensive bleeding caused by punching the 1/8-inch hole in the ear. Further, it was

pointed out that only allowing consignment directly to a recognized slaughtering establishment would disrupt normal marketing procedures and would result in economic losses to producers as a great many producers ship their market swine to slaughter markets rather than direct to a slaughter establishment. Therefore, the proposed provision for ear punch identification is deleted from this proposal. The proposed provision for shipment direct to a recognized slaughtering establishment would be amended in this proposal. It is proposed that swine infected with or exposed to pseudorabies be moved, under permit, directly to a recognized slaughtering establishment or directly through no more than one slaughter market to a recognized slaughtering establishment. This would appear to allow a more normal marketing of such swine while still maintaining enough control of such swine to prevent the spread of pseudorabies. Specifically, this proposal would regulate the movement of swine infected with or exposed to pseudorabies other than swine showing clinical evidence of pseudorabies or swine exposed to an animal showing clinical evidence of pseudorabies within 21 days in § 85.5(a).

Because of the disease status of such swine, a permit which lists the identification of each animal would be required to accompany the swine. Further, such swine would be required to move to destination in one continuous movement without unloading enroute. These restrictions are necessary to maintain continuous control over the swine during interstate movements to slaughter. In light of the disease status of each swine, continuous control is necessary to minimize the risk of the spread of pseudorabies.

This proposal would also allow the interstate movement of pseudorabies exposed swine that are negative to an official pseudorabies test 21 days or more after last being exposed to any livestock showing clinical evidence of pseudorabies to a quarantined herd or quarantined feedlot. Such swine would be required to have been officially vaccinated for pseudorabies within 10 days after the negative test and moved interstate within 30 days after the negative test. These requirements would appear to increase the likelihood that such swine are in fact not infected and that they are more resistant to such infection. Further, such swine would be required to be accompanied by a permit which lists the present quarantine status of the farm of origin; the identification of the swine being moved; the date of the official pseudorabies test and the name of the laboratory where the test was conducted; the date of the official vaccination for pseudorabies; and evidence that approval for the interstate

movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine. This would allow the controlled interstate movement of such swine to swine herds under the control of the State animal health official of the State of destination and should present a minimum risk of the spread of pseudorabies.

5. Many comments were received which recommended that pseudorabies vaccination of breeding swine in herds not known to be infected with pseudorabies be permitted and that unvaccinated offspring from such herds be permitted to move interstate without additional restrictions when tested negative for pseudorabies within 30 days prior to such movement. Therefore, it is proposed that the term "pseudorabies controlled vaccinated herd" be added to this proposal. It is proposed that a "pseudorabies controlled vaccinated herd" be a herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 10 days after such test. The status of the herd would be maintained by testing 25 percent of the off-spring of these vaccinated swine when the offspring are between 3 and 4 months of age. All such tests must be negative to maintain herd status. It is believed that testing of 25 percent of the unvaccinated offspring of vaccinated parents will sufficiently monitor the herd to insure that field strains of the pseudorabies virus have not been introduced into the herd. It is proposed that all additions to the herd shall test negative to an official pseudorabies test, be vaccinated for pseudorabies within 10 days after such test, and be added to the herd not more than 30 days after such test.

This category would be added so that people in endemic areas could vaccinate their swine and thereby establish some resistance in their herds to pseudorabies while at the same time permitting the interstate movement of noninfected offspring.

6. Of the ten comments received which were considered to oppose the original proposal, two expressed the opinion that the proposal would discourage reporting of infected herds. The definition and classification of exposed livestock in the original proposal was deemed to be too restrictive and perhaps would have discouraged reporting of infected herds. This is another reason why exposed livestock has been redefined in this proposal. One comment opposed the proposal as written but offered no specific suggestions. One comment expressed the opinion that swine going to sale barns and stockyards would not be restricted. The original proposal required

pseudorabies infected or exposed swine moving interstate to move directly to a recognized slaughtering establishment and did not permit them to move interstate through sale barns or stockyards. All feeding and breeding swine moving interstate would have had to meet the same requirements regardless of whether or not they moved through a sale barn or stockyard or other point. This proposal would permit pseudorabies infected and exposed swine to be moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment. Slaughter market is defined in this proposal in §85.1(t). Swine passing through these slaughter markets should present little or no hazard of spreading pseudorabies due to the controls on these markets.

It is proposed that only swine not known to be infected with or exposed to pseudorabies be allowed to move interstate to or from a livestock market selling feeding or breeding swine. Feeding and breeding swine moving interstate from a livestock market would be required to meet the same requirements as such swine moving interstate from any other origin.

Five comments expressed the need for unrestricted pseudorabies vaccination and unrestricted movement of such vaccinated swine. The movement of vaccinated swine has been provided for; however, unrestricted movement of vaccinated swine would allow dissemination of the disease by vaccines in that the vaccines being produced at the present time do not induce immunity, but increase the resistance of the vaccinates to the disease. Some vaccinates, when exposed to pseudorabies virus, develop the disease and shed the virus; however, they recover faster with fewer complications than non-vaccinates. Some swine vaccinated after being exposed to field strains of the virus are known to become carriers of the virus and be spreaders of the disease. Our present tests are not capable of differentiating between antibodies due to field strains of the virus and antibodies due to vaccine strains of the virus produced after vaccination; therefore, it is believed at this time that unrestricted movement of vaccinates would interfere with any pseudorabies control or eradication program. Pseudorabies exposed swine from infected or exposed herds that are negative to an official pseudorabies test 21 days or more after last being exposed to livestock showing clinical evidence of pseudorabies would be permitted to move interstate to a quarantined herd or quarantined feedlot if officially vaccinated for pseudorabies with 10 days of the negative test, and the swine are moved in-

terstate within 30 days after the negative test. Further, the movement would be required to have the prior approval of the State animal health official of the State of destination. Such prior approval is required by many States. This requirement would be added to insure that the State animal health official would be made aware of such interstate swine movements into their State for pseudorabies control purposes and enable them to advise importers of State requirements.

One comment expressed the opinion that there is insufficient knowledge of pseudorabies to attempt to control it. This comment was rejected, as other diseases have been controlled and some eradicated from the United States with far less known about them than is known about pseudorabies.

It is proposed that the following definitions be added to those contained in the previous proposal:

(a) It is proposed that "certificate" be defined as an official document issued by a Veterinary Services representative, a State representative, or an accredited veterinarian for and prior to the interstate movement of swine which are not known to be infected with, exposed to or vaccinated for pseudorabies. The certificate would list the following information: (1) Number and description of the swine to be moved, (2) a statement that the swine to be moved are not infected with or exposed to pseudorabies and are not official vaccinates, (3) the purpose for which the swine are to be moved, (4) the points of origin and destination, and (5) the consignor and consignee. It is proposed that this definition be added so that dual sets of documents would not have to accompany shipments of healthy swine as we have attempted to include in the certificate the information required by the various States for permitting the entry of swine. The information which would be required is necessary for APHIS to properly identify and trace the swine being moved to their farm of origin.

(b) It is proposed that "official pseudorabies vaccine" be defined as any pseudorabies virus vaccine produced under license from the Secretary of Agriculture under the Virus, Serum, and Toxin Act of March 4, 1913, 21 U.S.C. 151 et seq. and any legislation amendatory thereof. This definition would be added to assure that officially vaccinated swine are vaccinated with a product of known quality and standards.

(c) It is proposed that "official vaccine" be defined as swine that have been (1) vaccinated with an official pseudorabies vaccine by a Federal, State, or accredited veterinarian in accordance with recommendations on the vaccine label and the laws and reg-

ulations of the State in which the swine are vaccinated, (2) identified by an eartag, tattoo, errnotch recognized by a breed association, or similar identification of each swine vaccinated, and (3) reported as official vaccinated at the time of vaccination to the State animal health official. This definition would be added to assure that such swine were properly vaccinated and could be so identified and certified.

(d) It is proposed that "pseudorabies vaccine" be defined as any swine vaccinated with any product containing antigens for pseudorabies. This would include official vaccines and all other vaccines. This definition would be added to bring all pseudorabies vaccinated swine within the scope of the regulations as vaccinated swine. Such swine cannot be serologically differentiated from naturally infected swine. The inability to make such a differentiation would interfere with the accuracy of serological surveys and epidemiology should the vaccination status of swine in market channels be unknown.

(e) It is proposed that "slaughter market" be defined as an approved livestock market at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes and which is cleaned and disinfected in accordance with the requirements of this part before being used for feeding or breeding swine. This definition would be added to give swine producers access to controlled markets in addition to direct shipments to slaughtering establishments for marketing their infected and exposed swine.

(f) It is proposed that "quarantined feedlot" be defined as a premises where pseudorabies infected or exposed swine are fed under the supervision and control of the State animal health official and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment. This definition would be added to give swine producers a controlled outlet for pseudorabies-exposed swine not ready for slaughter which are test negative and officially vaccinated before being moved interstate to a quarantined feedlot.

(g) It is proposed that "quarantined herd" be defined as a herd in which pseudorabies-infected or exposed swine are bred, reared, and fed under the supervision and control of the State animal health official and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, or from which

exposed test negative officially vaccinated swine may be moved interstate to another quarantined herd, or a quarantined feedlot. This definition would be added so that producers having infected swine herds could purchase test negative exposed swine that have been officially vaccinated as breeding replacements.

(h) It is proposed that "farm or origin" be defined as a farm where the swine to be shipped interstate were born or on which they have resided for at least 90 days immediately preceding an interstate shipment. It is proposed that this definition be added so that swine might be traced to the breeding herd from which they originated and source foci of infection could be discovered should pseudorabies be disclosed in swine after they have moved interstate.

(i) It is proposed that "pseudorabies controlled vaccinated herd" be defined as a herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 10 days after such test. The status of the herd would be maintained by testing 25 percent of the offspring of these vaccinated swine when the offspring are between 3 and 4 months of age and finding all swine so tested negative. All additions to the herd must be test negative to an official pseudorabies test before being vaccinated and added to the herd. This definition would be added to give producers in pseudorabies endemic areas the option of vaccinating their breeding herd and at the same time being able to market the unvaccinated offspring of the vaccinates other than for slaughter.

(j) It is proposed that "approved livestock market" be defined as a stockyard, livestock market, buying station, concentration point or any other premises under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.18. This definition would be added to permit the interstate movement of non-pseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies to such approved livestock markets.

(k) It is proposed that "feedlot" be defined as a premises where swine are fed separate and apart from swine kept for breeding or other purposes and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, or to a quarantined herd or a quarantined feedlot. This definition would be added to permit controlled movements of swine not ready for slaughter and

not known to be infected with, exposed to or vaccinated for pseudorabies through normal marketing channels. This definition would require the separation of breeding herds from feeder swine moving interstate at such feedlots and should help to control the spread of pseudorabies as all swine in feedlot would be sold only to a quarantined feedlot, quarantined herd or for slaughter.

(l) It is proposed that "Veterinary Services representative" and "State representative" be defined to identify the Federal and State officials who may issue permits and certificates required under this part.

(m) It is proposed that "State animal health officials" be defined to identify the person or persons to whom copies of permits and certificates required under this part shall be mailed, from whom approved for the interstate movement of certain swine must be obtained prior to their interstate movement and to whom notification of any confirmed or suspected cases of pseudorabies must be made.

(n) It is proposed that "herd" be defined for the purpose of identifying groups of animals referred to under this part. Because of the risk that pseudorabies may be disseminated to animals through their intermingling, the term as proposed includes not only animals which are maintained on common ground, but would also include two or more groups of animals geographically separated but which have an interchange of animals without regard to whether the animals are affected with or exposed to pseudorabies.

(o) It is proposed that "known infected herd" be defined and the term apply to those herds in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies. A herd of livestock, other than swine, shall no longer be considered to be a known infected herd after 21 days since the last clinical case of the disease in the herd. A herd of swine which has been released from pseudorabies quarantine in accordance with the Minimum Standards shall be no longer classified as a known infected herd. This term would be added to clarify its use in defining exposed livestock and exposed swine.

(p) It is proposed that "exposed swine" be defined as any swine that has been in contact with an animal infected with pseudorabies including all swine in a known infected herd. This definition would be added to differentiate exposed swine from exposed livestock. Livestock, other than swine, which have not been exposed to a clinical case of pseudorabies for a period of 21 days would no longer be considered to be exposed. Swine, how-

ever, would be considered exposed after having been in contact with an animal infected with pseudorabies, and there would be no time limitation on the disease status of swine. This is because animals other than swine are not known to transmit the disease after a period of 21 days since last being exposed to a clinical case of the disease. Animals other than swine are considered to be dead end hosts for pseudorabies in that once they become infected they die. However, swine are known to recover from pseudorabies and some recovered swine are known to become carriers of and transmit the virus to other animals.

(q) It is proposed that "infected livestock" replace the term "affected livestock." The change in the term and words used in the definition would be made for the purpose of clarification.

(r) It is proposed that "Minimum Standards" be defined as "The Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs." The Minimum Standards would be incorporated by reference in the proposed regulations.

(s) It is proposed that "swine not known to be infected with or exposed to pseudorabies" be defined as any swine from a herd of swine in which no animal has been classified as a reactor to an official pseudorabies test or has been diagnosed as having pseudorabies or suspected of having pseudorabies by a veterinarian.

The following definitions would also be changed to clarify terms used in the regulation:

(a) It is proposed that "accredited veterinarian" be changed to reflect the wording used in § 160.1(d) specifically rather than refer the reader to Part 160 of this chapter.

(b) It is proposed that "State" be changed to include all territories of the United States and the Northern Mariana Islands and specific mention of the United States Virgin Islands be deleted since it would be included within the general category of territory.

(c) It is proposed that "permit" be changed to apply only to swine rather than livestock since this proposal would only require permits for certain classes of interstate swine movements. Further, the identification requirements would be deleted from the definition since the substantive parts of the regulation would specifically require identification where required. Other changes were made for editorial reasons.

(d) It is proposed that "recognized slaughtering establishment" be changed for editorial reasons.

The original proposal contained a general restriction on the movement of livestock. This proposal would retain the general restriction with editorial changes only.

The original proposal prohibited the interstate movement of livestock showing clinical evidence of pseudorabies. This proposal would retain this restriction with editorial changes only. The original proposal allowed the interstate movement of livestock affected with or exposed to pseudorabies other than those showing clinical signs of the disease from any point to a recognized slaughtering establishment for immediate slaughter under the following conditions: (1) Livestock must be accompanied by a permit and (2) moved in one continuous movement without unloading enroute. This proposal would retain the prohibition of the interstate movement of livestock showing clinical evidence of pseudorabies and would add a prohibition on the interstate movement of livestock which have been exposed to an animal showing clinical evidence of pseudorabies within 21 days of such exposure. This is proposed to prevent the interstate movement of livestock which might be in the incubative stage of the disease.

The original proposal allowed the interstate movement of swine affected with or exposed to pseudorabies from any point directly to a recognized slaughtering establishment for immediate slaughter under certain conditions. These conditions and changes made in the original proposal and reasons for such changes have been previously discussed herein.

The original proposal broke the requirements for the interstate movement of swine not known to be affected with or exposed to pseudorabies into two classifications, swine other than breeding swine and breeding swine. Swine other than breeding swine not known to be infected with or exposed to pseudorabies would have been permitted to move interstate without restriction for a period of one year following the effective date of the regulation, after which such movements would have been permitted only from a State which requires that the State animal health official be immediately notified of all confirmed or suspected cases of pseudorabies and that pseudorabies infected and exposed animals be quarantined. The purpose of this one year time period was to provide adequate time for States to obtain necessary legal authority and to place control measures into effect.

As originally proposed, the spread of pseudorabies would have been prevented by regulating the interstate movement of swine not known to be infected with or exposed to pseudorabies for breeding purposes by requiring such swine to be accompanied by a certificate listing certain information.

This proposal would completely alter the original proposal in that this proposal would categorize swine not

known to be infected with or exposed to pseudorabies on the basis of vaccination status. Since the publication of the original proposal, a modified live pseudorabies vaccine has been approved for use in the United States. Several killed pseudorabies vaccines are being researched and may soon be available for use by the swine industry. Vaccines are of value to swine producers in mitigating their losses; however, the vaccines are not known to prevent carriers from developing and spreading the disease should swine be infected prior to or after being vaccinated. European literature on pseudorabies cites cases where pseudorabies cycled in vaccinated herds. Also, should an eradication program be initiated in the future, it may be necessary or useful to be able to distinguish between vaccinated and naturally infected swine. This cannot be done serologically at the present time. For the foregoing reasons it is felt that the interstate movement of pseudorabies vaccinated swine must be regulated.

It is proposed that pseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies be permitted to move interstate for slaughter directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment. Such swine would be required to be moved in one continuous movement without unloading enroute. A permit would be required to accompany the swine, and be delivered to the consignee. It is proposed that pseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies be permitted to move interstate to a quarantined herd or quarantined feedlot if accompanied by a permit listing the following information in addition to the information described in § 85.1(bb): (1) The pseudorabies status of the herd, (2) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved, (3) the date of the official vaccination for pseudorabies, (4) and evidence that approval for the interstate movement has been issued by the State animal health official of the State of destination. This additional information is believed to be necessary to properly identify and trace the swine being moved. The permit would be required to accompany the swine and be delivered to the consignee.

The unrestricted movement of vaccinated swine would allow the dissemination of the disease by vaccines in that the vaccines being produced at the present time do not induce immunity but, rather, increase the resistance of the vaccinates to the disease. This proposal would restrict the interstate movement of such swine to rec-

ognized slaughtering establishments, slaughter markets, quarantined herds and quarantined feedlots. All of these destinations are under the control of State or Federal regulatory agencies. It is believed that such control is necessary to minimize the risk of pseudorabies spread.

Nonpseudorabies vaccinated swine not known to the infected with or exposed to pseudorabies would be permitted to move interstate for slaughter without restriction. Such swine would be permitted to move interstate to other destinations under the following specified requirements. Such swine would be permitted to move interstate directly to a feedlot, a quarantined herd, quarantined feedlot or to an approved livestock market for subsequent movement directly to a feedlot, a quarantined feedlot or quarantined herd only if such swine are from a qualified pseudorabies negative herd, or if accompanied by a certificate listing: (1) The number and description of the animals to be moved; (2) a statement that the animals to be moved are not infected with or exposed to pseudorabies and are not official vaccines; (3) the purpose for which the animals are to be moved; (4) the points of origin and destination; (5) the consignor and consignee; (6) the identification to the farm of origin of each animal being moved, by an ear notch recognized by a breed association, identification tag, tattoo, or similar identification; and (7) a statement that approval for interstate movement has been issued by the State animal health official of the State of destination.

The purpose of the certificate is to certify the pseudorabies status of the swine and contain information to enable tracing the swine to their farms of origin should they be suspected of transmitting the disease during or subsequent to their movement.

Further, this proposal would require that nonpseudorabies-vaccinated swine not known to be infected with or exposed to pseudorabies moved interstate directly to a feedlot, quarantined feedlot, quarantined herd, or an approved livestock market for subsequent movement to a feedlot, quarantined feedlot, or quarantined herd, within one year from the effective date of this part. Such swine would only be permitted to move from a State which requires the State animal health official to be immediately notified of any confirmed or suspected cases of pseudorabies in that State and which requires that pseudorabies-exposed or infected animals be quarantined. Provisions for quarantines to be released in conformance with the Minimum Standards have been added by referencing the Minimum Standards so there will be uniformity in the releasing of quarantines among the States.

It is proposed that swine from qualified pseudorabies negative herds moving interstate to approved livestock markets, feedlots, quarantined feedlots or quarantined herds be allowed to move unrestricted since such herds are monitored periodically for the presence of pseudorabies and are, therefore, considered to present little or no risk of spreading pseudorabies.

Other interstate movements of nonpseudorabies-vaccinated swine not known to be infected with or exposed to pseudorabies would be permitted only if such swine are accompanied by a certificate listing the same specified additional information as outlined above regarding certificates issued for the movement of swine not pseudorabies-vaccinated and not known to be infected with or exposed to pseudorabies to a quarantined herd or a quarantined feedlot; however, there would be the additional requirement that such swine be negative to an official test for pseudorabies within 30 days prior to such interstate movement. The additional testing requirement is to reasonably assure the pseudorabies negative status of the swine. In the original proposal a negative pseudorabies test would have been valid for 60 days; however, this proposal would limit the validity of a negative pseudorabies test to 30 days as a further safeguard against the spread of the disease.

The proposal also would have required the cleaning and disinfection of means of conveyance, facilities, and premises used in the interstate movement of pseudorabies-infected or exposed livestock. This proposal would retain the requirement that means of conveyance, livestock markets and other facilities used in the interstate movement of pseudorabies-infected or exposed livestock, be cleaned and disinfected. However, such cleaning and disinfecting would be required to be done in accordance with §§ 76.30 and 76.31 of this chapter rather than § 71.7 of this chapter. This change would be made because the requirements in §§ 76.30 and 76.31 are more specific and less likely to be misinterpreted. The reference to §§ 76.30 and 76.31 caused certain aspects of § 85.7 of the original proposal to become unnecessary, and these provisions would be deleted in this proposal.

The original proposal would have allowed the Deputy Administrator to permit the movement in specific cases of livestock not otherwise provided for in this part. This proposal would retain this provision but refers instead to the interstate movement of livestock and adds that the Deputy Administrator could prescribe conditions on any such movement to prevent the spread of pseudorabies. These changes were made to give the Deputy Administrator flexibility when dealing with unique situations.

This proposal would add the requirement that permits and certificates which would be required to accompany the swine interstate shall be delivered to the consignee by the person delivering the swine. Further, a copy of any such permit or certificate required under this part would be required to be mailed to the State animal health official of the State of destination by the person issuing the document within 3 days of the interstate movement of the swine covered by the document. This requirement would be added to insure that the State of destination is notified of swine entering the State.

The proposal would also add a provision requiring the consignor of swine not pseudorabies vaccinated and not known to be infected with or exposed to pseudorabies which are moved interstate directly to a feedlot, quarantined feedlot, quarantined herd or to a concentration point for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd to maintain records for 2 years whereby an individual animal can be traced to the farm of origin. Such records would be available to the State animal health official or Veterinary Services on request.

All of these provisions would be added to enable the Department to trace the interstate movement of the swine in question. Such provisions would aid the Department in locating the sources from which pseudorabies might spread.

The original proposal did not regulate the interstate movement of swine semen or swine embryos. This oversight would be corrected by the addition of such regulation in this proposal. Such regulation is believed to be necessary to prevent the spread of pseudorabies through the interstate movement of swine semen and swine embryos for insemination of or implantation into swine.

Accordingly, Part 85, Title 9, Code of Federal Regulations, would be amended to read:

PART 85—PSEUDORABIES

- Sec.
- 85.1 Definitions.
- 85.2 Notice relating to the existence of the contagion of pseudorabies.
- 85.3 General restriction.
- 85.4 Interstate movement of livestock.
- 85.5 Interstate movement of infected swine or exposed swine.
- 85.6 Interstate movement of pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies.
- 85.7 Interstate movement of non pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies.
- 85.8 Other interstate movements.
- 85.9 Interstate movement of swine semen and swine embryos for insemination of or implantation into swine.
- 85.10 Permits and certificates.
- 85.11 Maintenance of records.

Sec.

85.12 Cleaning and disinfecting means of conveyance.

85.13 Cleaning and disinfecting livestock markets and other facilities.

AUTHORITY: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123-126, 134b, 134f).

§ 85.1 Definitions.

For purposes of this part, the following terms mean:

(a) **Administrator.** The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other official of the Service to whom authority has been delegated or may be delegated to act in his stead.

(b) **Deputy Administrator.** The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official to whom authority has been delegated or may be delegated to act in his stead.

(c) **Veterinary Services.** Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(d) **Veterinary Services Representative.** A person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

(e) **State Animal Health Official.** The State animal health official who is responsible for the livestock and poultry disease control and eradication programs, in the official's State or his designated representative.

(f) **State Representative.** A person regularly employed in animal health work of a State and who is authorized by such State to perform the function involved under a Cooperative Agreement with the United States Department of Agriculture.

(g) **Accredited Veterinarian.** A veterinarian approved by the Deputy Administrator in accordance with Part 161 of this Title to perform functions specified in Part 11 of Subchapter A, and Subchapters B, C, and D of this Chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

(h) **State.** Any State or Territory of the United States, the District of Columbia, Puerto Rico, Guam or the Northern Mariana Islands.

(i) **Interstate.** From any State into or through any other State.

(j) **Pseudorabies.** The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.

(k) **Herd.** Any group of livestock maintained on common ground for

any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to pseudorabies.

(l) **Known Infected Herd.** Any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test of diagnosed by a veterinarian as having pseudorabies. A herd of livestock, other than swine, shall no longer be considered to be a known infected herd after 21 days since the last clinical case of the disease in the herd. A herd of swine which has been released from pseudorabies quarantine in accordance with the Minimum Standards shall be no longer classified as a known infected herd.

(m) **Livestock.** Swine, cattle, sheep, or goats.

(n) **Exposed Livestock.** Any livestock that has been in contact with an animal infected with pseudorabies, including all livestock in a known infected herd; except that livestock, other than swine, that have not been exposed to a clinical case of the disease for a period of 21 days shall no longer be considered to be exposed livestock.

(o) **Exposed Swine.** Any swine that has been in contact with an animal infected with pseudorabies, including all swine in a known infected herd.

(p) **Infected Livestock.** Any livestock determined to be infected with pseudorabies by an official pseudorabies test, or diagnosed by a veterinarian as having pseudorabies.

(q) **Official Pseudorabies Test.** Any test for the diagnosis of pseudorabies approved by the Deputy Administrator in accordance with the Minimum Standards and conducted in an approved laboratory as listed in the Minimum Standards.

(r) **Moved.** Shipped, transported, or otherwise moved, or delivered or received for movement by land, water, or air.

(s) **Recognized Slaughtering Establishment.** A slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or a State inspected slaughtering establishment.

(t) **Slaughter Market.** A livestock market approved in accordance with § 76.18 at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes and which is cleaned and disinfected in accordance with the requirements of this part before being used for feeding or breeding swine.¹

¹Notices containing lists of slaughter markets approved for the purposes of the regulations in this part are published in the Fed-

(u) **Quarantined Feedlot.** A premises where pseudorabies infected or exposed swine are fed under the supervision and control of the State animal health official, and from which such swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment in accordance with the provisions of this part.

(v) **Quarantined Herd.** A herd in which pseudorabies infected or exposed swine are bred, reared, and fed under the supervision and control of the State animal health official, and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, or from which exposed test negative officially vaccinated swine may be moved only to a quarantined herd or quarantined feedlot.

(w) **Feedlot.** A premises where swine are fed separate and apart from swine kept for breeding or other purposes and from which such swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, quarantined herd, or quarantined feedlot.

(x) **Farm of Origin.** A farm where the swine were born, or on which they have resided for at least 90 days immediately prior to the interstate shipment.

(y) **Official Pseudorabies Vaccine.** Any pseudorabies virus vaccine produced under license from the secretary of Agriculture under the Virus, Serum and Toxin Act of March 4, 1913, and any legislation amendatory thereof 21 U.S.C. 151 et seq.

(z) **Official Vaccinate.** Any swine which have been (1) vaccinated with an official pseudorabies vaccine by an accredited veterinarian or a State or Federal veterinarian in accordance with recommendations on the vaccine label and the laws and regulations of the State in which the swine are vaccinated, (2) identified by an eartag, tattoo, ear notch recognized by a breed association, or similar identification of each swine vaccinated, and (3) reported as official vaccinates at the time of vaccination to the State animal health official.

(aa) **Pseudorabies Vaccinate.** Any swine that have been vaccinated with any product containing antigens for pseudorabies.

FEDERAL REGISTER. Information concerning slaughter markets can be obtained from the Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in question.

(bb) *Permit*. An official document issued for and prior to the interstate movement of pseudorabies infected, exposed or vaccinated swine under this part by a Veterinary Services representative, State representative, or an accredited veterinarian which states: (1) The number of swine to be moved; (2) the purpose of for which the swine are to be moved; (3) the points of origin and destination; (4) the consignor and the consignee; and (5) any additional information required by this part.

(cc) *Certificate*. An official document issued for and prior to the interstate movement of swine not known to be infected with, exposed to or vaccinated for pseudorabies under this part by a Veterinary Services representative, a State representative, or an accredited veterinarian which states: (1) The number and description of the swine to be moved; (2) that the swine to be moved are not infected with or exposed to pseudorabies and are not official vaccinates; (3) the purpose for which the swine are to be moved; (4) the points of origin and destination; (5) the consignor and consignee; and (6) any additional information required by this part.

(dd) *Qualified Pseudorabies Negative Herd*. A herd of swine, none of which has been vaccinated for pseudorabies, and in which all swine over 6 months of age have been tested negative to an official pseudorabies test on the qualifying test as described in the Minimum Standards. The status of the herd is maintained by an official pseudorabies test of at least 25 percent of the swine over 6 months of age every 90 days and finding all swine so tested negative. No swine is to be tested twice in one year to comply with the 25 percent requirement. All swine over 6 months of age in the herd shall be subjected to the official pseudorabies test during the year. A minimum of 90 percent of the swine must have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. All additions to the herd must test negative to an official pseudorabies test not more than 30 days before being added to the herd or be from another qualified pseudorabies negative herd.

(ee) *Pseudorabies Controlled Vaccinated Herd*. A herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 10 days after such test. The status of the herd is maintained by an official pseudorabies test of 25 percent of the offspring between 3 and 4 months of age and finding all swine so tested negative. All additions to the herd must test negative to an official pseudorabies test, be vaccinated

for pseudorabies within 10 days after such test, and be added to the herd not more than 30 days after such test.

(ff) *Minimum Standards*. The Minimum for Veterinary Services Participation in Cooperative Pseudorabies (PR) Programs recommended by the United States Animal Health Association, and approved as amended, by Veterinary Services, May 17, 1978.²

(gg) *Approved Livestock Market*. A stockyard, livestock market, buying station, concentration point or any other premises under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.18.

(hh) *Swine not known to be infected with or exposed to pseudorabies*. Any swine from a herd of swine in which no animal has been classified as a reactor to an official pseudorabies test, or has been diagnosed as having pseudorabies or suspected of having pseudorabies by a veterinarian.

§ 85.2 Notice relating to the existence of the contagion of pseudorabies.

Notice is hereby given that there is reason to believe that the contagion of pseudorabies may exist in each State and that to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part are promulgated.

§ 85.3 General restriction.

Livestock shall not be moved interstate except in compliance with the regulations in this part.

§ 85.4 Interstate movement of livestock.

(a) Livestock showing clinical evidence of pseudorabies shall not be moved interstate.

(b) Livestock that have been exposed to an animal showing clinical evidence of pseudorabies shall not be moved interstate within 21 days of such exposure.

(c) Except as provided in paragraphs (a) and (b) of this section, livestock other than swine may be moved interstate without restriction under this part.

(d) Except as provided in paragraphs (a) and (b) of this section, swine, swine semen, and swine embryos shall be moved interstate only in compliance with the regulations in this part.

²Copies of the May 17, 1978, Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies (PR) Programs are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Md. 20782.

§ 85.5 Interstate movement of infected swine or exposed swine.

Infected swine or exposed swine, other than swine described in § 85.4 (a) or (b), shall only be moved interstate in accordance with the following provisions:

(a) *Movement of infected or exposed swine for slaughter*. Infected or exposed swine shall be moved interstate for slaughter only if:

(1) The swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment;

(2) The swine are accompanied by a permit and such permit is delivered to the consignee;

(3) The permit in addition to the information described in § 85.1(bb) lists the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; and

(4) The swine are moved to destination in one continuous movement without unloading enroute.

(b) *Movement of exposed swine to a quarantined herd or a quarantined feedlot*. Exposed swine shall be moved interstate directly to a quarantined herd or a quarantined feedlot only if:

(1) The swine are negative to an official pseudorabies test 21 days or more after last being exposed to any livestock showing clinical evidence of pseudorabies;

(2) The swine are officially vaccinated for pseudorabies within 10 days after the negative test;

(3) The swine are moved interstate within 30 days after the negative test;

(4) The swine are accompanied by a permit and such permit is delivered to the consignee; and

(5) The permit, in addition to the information described in § 85.1(bb), states: (i) The present pseudorabies quarantine status of the farm of origin; (ii) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; (iii) the date of the official pseudorabies test and the name of the laboratory where the test was conducted; (iv) the date of the official vaccination for pseudorabies; and (v) that approval for the interstate movement has been issued by the State animal health official of the State of Destination prior to the interstate movement of the swine.

§ 85.6 Interstate movement of pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies.

Pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies shall only be moved interstate only in accordance with the following provisions:

(a) *Movement of pseudorabies vaccine swine for slaughter.* Pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate for slaughter only if:

(1) The swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment;

(2) The swine are accompanied by a permit and such permit is delivered to the consignee; and

(3) The swine are moved to destination in one continuous movement without unloading enroute.

(b) *Movement of pseudorabies vaccine swine to a quarantined herd or quarantined feedlot.* Pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate directly to a quarantined herd or quarantined feedlot only if:

(1) The swine are accompanied by a permit and such permit is delivered to the consignee; and

(2) The permit in addition to the information described in § 85.1(bb) states: (i) The pseudorabies status of the herd; (ii) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; (iii) the date of the official vaccination for pseudorabies; and (iv) that approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine.

§ 85.7 Interstate movement of nonpseudorabies vaccine swine not known to be infected with or exposed to pseudorabies.

Non pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall only be moved interstate in accordance with the following provisions:

(a) *Movement for slaughter.* Nonpseudorabies vaccine swine not known to be infected with or exposed to pseudorabies may be moved interstate for slaughter without further restriction under this part.

(b) *Movement to a feedlot, quarantined feedlot, quarantined herd, or approved livestock market.* Nonpseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate directly to a feedlot, quarantined feedlot, quarantined herd, or to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd only if:

(1) The swine are from a qualified pseudorabies negative herd, in which instance such swine may be moved interstate without further restriction under this part; or

(2) The swine are accompanied by a certificate and such certificate is delivered to the consignee;

(3) The certificate in addition to the information described in § 85.1(cc) states: (i) The identification of the farm of origin of each animal being moved by an ear notch recognized by a breed association, identification tag, tattoo, or similar identification; and (ii) approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine; and

(4) The swine are moved from a State which requires the State animal health official of that State to be immediately notified of any suspected or confirmed case of pseudorabies in that State and which requires that exposed or infected livestock be quarantined, such quarantine to be released only in conformance with the Minimum Standards: Except, That this provision shall only be effective 1 year after the effective date of this part.

(c) *Other movements.* Non pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate other than for slaughter and other than directly to a feedlot, quarantined feedlot, quarantined herd or to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd only if:

(1) The swine are accompanied by a certificate and such certificate is delivered to the consignee; and

(2) The certificate in addition to the information described in § 85.1(cc) states: (i) The identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; and (ii) that each animal to be moved: (a) was subjected to an official pseudorabies test within 30 days prior to the interstate movement and was found negative, the test date and the name of the laboratory conducting the test; or (b) is part of a currently recognized qualified pseudorabies negative herd and the date of the last qualifying test; or, (c) is part of a pseudorabies controlled vaccinated herd and is one of the offspring that was subjected to the official test to achieve or maintain the status of the herd as a pseudorabies controlled vaccinated herd, and the date of the last test to maintain said status.

§ 85.8 Other interstate movements.

The Deputy Administrator may, upon request in specific cases, permit the interstate movement of livestock not otherwise provided for in this part under such conditions as he may prescribe to prevent the spread of pseudorabies.

§ 85.9 Interstate movement of swine semen and swine embryos for insemination of or implantation into swine.

Swine semen and swine embryos moved interstate for insemination of swine or implantation into swine shall be accompanied by a document issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to an official pseudorabies test within 30 days prior to the collection of the semen or embryos or were members of a qualified pseudorabies negative herd, and had not been exposed to pseudorabies within 30 days prior to the collection of the semen or embryos.

§ 85.10 Permits and certificates.

(a) Each permit or certificate required under this part to accompany swine interstate shall be delivered with the swine to the consignee by the person delivering the swine.

(b) A copy of each permit or certificate required under this part to accompany swine interstate shall be mailed or delivered to the State animal health official of the State of destination by the person issuing the document within 3 days of the interstate movement of the swine covered by said document.

§ 85.11 Maintenance of records.

(a) The consignor of non pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies which are moved interstate directly to a feedlot, quarantined feedlot, quarantined herd, or to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd shall maintain records⁴ whereby individual swine can be traced to the farm of origin.

(b) Such records shall be maintained for two (2) years after the swine are moved interstate by the consignor, and such records shall be made available to the State animal health official or Veterinary Services representative on request.

§ 85.12 Cleaning disinfecting means of conveyance.

All means of conveyance used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in accordance with § 76.30 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide

⁴Such records shall list: (1) The names and addresses of the consignor and consignee; (2) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal moved; and (3) the date of the shipment.

Act, as amended (7 U.S.C. 135 et seq.) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

§ 85.13 Cleaning and disinfecting livestock markets and other facilities.

Livestock markets and other facilities used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in compliance with § 76.31 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 et seq.) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 714, 6505 Belcrest Road, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of May 1978.

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

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-14330 Filed 5-22-78; 8:45 am]

[3510-06]

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[15 CFR Part 806]

DIRECT INVESTMENT SURVEYS

Mandatory Reporting Requirement

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes a regulation regarding the institution of a mandatory reporting requirement for an annual statistical survey of foreign-owned U.S. business enterprises. The purpose of this amendment is to further implement the President's responsibilities under the International Investment Survey Act of 1976. These responsibilities were delegated to the

Secretary of Commerce in Section 3 of Executive Order 11961 of January 19, 1977.

DATE: Comments must be received on or before June 26, 1978.

ADDRESSES: Send comments to: U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230. All comments, material, questions, etc., in response to this proposal will be available of public inspection during normal business hours, 8:30 a.m. to 5 p.m., in Room 608, 1401 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, 202-523-0657.

SUPPLEMENTARY INFORMATION: On December 22, 1977 the Department published final rules implementing the duties and authority delegated to it by the President in section 3 of Executive Order 11961 of January 19, 1977 to carry out the International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108). Section 806.15(f)(1) of those rules read as follows: "BE-15—Annual Survey of Foreign Direct Investment in the U.S.—this form is not required at this time, but a notice of proposed rulemaking concerning it will be inserted in the FEDERAL REGISTER at a later date."

This notice of proposed rulemaking is to inform the public that a BE-15 survey form has been prepared and to invite public comment on the reporting requirements.

The BE-15 survey will be an annual survey and the first year of coverage is to be 1977. A report must be filed by each U.S. business enterprise which is owned or controlled, directly or indirectly, by one foreign person to the extent of 10 percent or more of the voting securities if an incorporated business enterprise or an equivalent interest if an unincorporated business enterprise. Such an enterprise, based on consolidated data where applicable, will not be required to report if: (a) Each of the following three items for the enterprise (not the foreign parent's share) was between -\$5,000,000 and +\$5,000,000 during the reporting period: (1) Total assets, (2) net sales or gross operating revenues, excluding sales taxes, and (3) net income after provision for U.S. income taxes; and (b) the enterprise did not own 200 acres or more of land. If the enterprise owned 200 acres or more of land, it must report regardless of the value of the three items listed above.

The due date of the reports will be set to fall not less than 60 days after

the survey forms are mailed to potential respondents.

The legal authorities, provisions, definitions and requirements presently contained in 15 CFR Part 806 pertaining to foreign direct investment in the United States are applicable to this BE-15 report form.

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

It is therefore proposed to modify Part 806, 15 CFR, as set forth below.

JUANITA M. KREPS,
Secretary.

In § 806.15, paragraph (f)(1) is revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

(f)(1) BE-15—Annual Survey of Foreign Direct Investment in the United States—one report is required for each U.S. affiliate, as consolidated, exceeding an exemption level of \$5,000,000, except that a U.S. affiliate which owns 200 acres or more of land must report regardless of the value of the items on which the exemption level is based, i.e., total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative.

NOTE.—This survey will not be conducted for the year for which a BE-12, Benchmark Survey of Foreign Direct Investment in the U.S., is conducted.

[FR Doc. 78-14168 Filed 5-22-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5933, IC-10242, File No. S7-742]

"ANNUITY CONTRACTS" AND "OPTIONAL ANNUITY CONTRACTS"

Proposed Rule Interpreting Exemptive Provisions

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission, as a result of the study by its Division of Investment Management of certain contractual arrangements issued by insurance companies, proposes a rule interpreting section 3(a)(8) of the Securities Act of 1933 ("Act"). The purpose

of the proposed rule is to provide guidance in determining when a contract, though issued by an insurance company and styled an "annuity," is ineligible for the section 3(a)(8) exemption and required, unless another exemption is available, to be registered pursuant to section 5 of the Act. The proposed rule sets forth a number of factors which are to be considered in determining the status under the federal securities laws of a contract issued by an insurance company.

DATE: Comments must be received on or before July 17, 1978.

ADDRESSES: Comments should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005 and should refer to file No. S7-742.

FOR FURTHER INFORMATION CONTACT:

Peter Ambrosini, 202-755-0230 or Laura Boughan, 202-755-0233, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that its Division of Investment Management ("Division") has completed its inquiry into the status under the federal securities laws of certain contracts issued by insurance companies, including what are generally known as guaranteed investment contracts, tax-deferred annuity contracts and similar products. The staff's inquiry was announced in Securities Act Release No. 5838 (42 FR 32861, June 28, 1977), which solicited public comments on the ways in which guaranteed investment contracts are similar to and different from traditional deferred annuities.

SCOPE OF STUDY

The staff's study related to certain contracts issued and funded by the general account of an insurance company, which have not been registered under the Act (15 U.S.C. 77a et seq.) in reliance upon section 3(a)(8) thereof (15 U.S.C. 77c(a)(8)). Section 3(a)(8) exempts from the registration requirements of the Act "(a)ny insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the insurance commissioner, bank commissioner or any agency or officer performing like functions, or any State * * *." However, the exemption is not necessarily available to all products labeled insurance policies or annuity contracts. As the Supreme

Court held in *Securities and Exchange Commission v. Variable Annuity Life Insurance Company of America*, 359 U.S. 65 (1959), the meaning of "annuity" under the federal securities laws is a federal question.

Because new types of contracts which were often promoted as investments were being issued by insurance companies, the Division instituted a study of these new contracts with a view to determining their status under the federal securities laws.

The study was announced by the Commission in Securities Act Release No. 5838, which requested public comment on the ways in which the new contracts, commonly called guaranteed investment contracts, are different from and similar to traditional deferred fixed annuities. The release stated that the following factors were of concern to the staff:

1. Advertising emphasizing investment;
2. Provision for payment of interest in excess of a guaranteed rate;
3. Short term contracts;
4. Annuity purchase rates subject to change;
5. State insurance law.

The Commission received numerous comments in response to the release, expressing various points of view. Contracts and sales literature were also submitted and reviewed by the Division.

After analysis of the comments, contracts, and sales literature, it is the position of the Commission that many contracts, developed within the past several years and now being sold, are sufficiently different in their terms and in the manner in which they are sold from annuity contracts offered prior to that time so as to raise serious questions as to the availability of the section 3(a)(8) exemption. Many such contracts appear to be treated in the commercial world as investments.

The proposed rule sets forth conditions under which contracts, though styled "annuities," will not be deemed to be annuities exempt from the registration provisions of the Act pursuant to section 3(a)(8).

"NO-ACTION" POSITIONS

On March 18, 1977, the Division stated, in response to a request based upon section 3(a)(2) of the Act (15 U.S.C. 77c(a)(2)), that it would not recommend enforcement action under the Act if guaranteed investment contracts were sold to corporate pension or profit-sharing plans qualified under section 401 of the Internal Revenue Code of 1954, as amended, without registration under the Act: *Provided*, That such plans meet certain conditions.¹

The Division also has taken a "no-action position" with respect to the

offer and sale of guaranteed investment contracts to certain H.R. 10 plans which have received Commission orders of exemption under section 3(a)(2) of the Act.²

These "no-action" assurances remain in effect and would not be modified by enactment of the proposed rule. Thus, if the rule is adopted as proposed, guaranteed investment contracts may continue to be sold without registration under the Act to tax-qualified pension and profit-sharing plans which meet the conditions set forth in the Division's letters.

OTHER REGULATORY CONSIDERATIONS

While the Commission is requesting comments only with respect to the proposed rule, it is appropriate to bring to the attention of those concerned that where a significant portion of a company's business is the issuing of contracts which must be registered under the Act that company may be subject to the provisions of the Investment Company Act of 1940 ("1940 Act"). Such a company may not meet the definition of "insurance company" set forth in section 2(a)(17) of the 1940 Act (15 U.S.C. 80a-2(a)(17)) and, in that event, would not be exempt from the provisions of the 1940 Act pursuant to section 3(c)(3) thereof (15 U.S.C. 80a-3(c)(3)).

SYNOPSIS OF PROPOSED RULE

PRELIMINARY NOTE

The operative provisions of the proposed rule are preceded by a preliminary note, which provides a brief summary of the purpose of the proposed rule and the manner in which it will operate.

The purpose of the proposed rule is to set forth criteria which will make the section 3(a)(8) exemption unavailable to a contract or contractual arrangement issued by an insurance company. In some cases the terms of the contract alone will determine that it will not be regarded as an annuity exempt from registration. In other cases, the interaction between the contract's terms and the manner in which it is sold will lead to the same conclusion.

DEFINITIONS

Paragraph (a) of the proposed rule contains definitions of three terms: "deposit fund rider"; "permanent annuity purchase rate guarantee"; and "participating contract."

A "deposit fund rider" is a provision of, or associated with, a life insurance or annuity contract. Under such a provision, funds may be deposited with

¹Letter dated Mar. 18, 1977, to the American Council of Life Insurance.

²See letters dated Dec. 14, 1977, to Covington & Burling, and Mar. 7, 1978, to The Aetna Life & Casualty Co.

the insurance company to accumulate with interest and may be withdrawn by the depositor without significant penalty. The purchaser usually has the option to use accumulated funds to purchase an annuity. However, the contractual arrangement is designed and marketed as a savings vehicle which may be used to accumulate capital on a tax deferred basis.

The term "permanent annuity purchase rate guarantee" is defined as a guarantee, which the issuer cannot unilaterally modify, of a level of annuity benefits to be provided by the insurance company at a future certain date in return for funds accumulated under the contract.

The term "participating contract" is defined as a contract pursuant to which the issuer may declare interest in excess of the guaranteed rate in accordance with provisions of its charter or by-laws which require the allocation of the insurance company's divisible surplus and/or provisions of state insurance laws or regulations. Participating contracts have traditionally been issued primarily by mutual life insurance companies and generally are not regarded in the commercial world as investments.

CONTRACTS NOT ANNUITIES

Paragraph (b) of the proposed rule describes certain classes of contracts which will not be regarded as eligible for the exemption from registration provided in section 3(a)(8) of the Act. In two cases, the provisions of the contracts cause the exemption to be unavailable, while in the third case consideration is given to circumstances surrounding the sale.

1. Contracts without permanent annuity purchase rate guarantees.—The guarantee of a fixed level of income, continuing for a lifetime, which cannot be changed or revoked, is perhaps the most important feature of annuities as they were known at the time the Act was passed. Without such a guarantee, the only reason for purchasing an annuity would be to obtain interest on which Federal income taxes are deferred. Therefore, a contract which does not contain permanent guaranteed annuity purchase rates will not be deemed an exempt annuity.

2. Contracts which contain deposit fund riders.—A deposit fund rider is an alternative to a savings account. The Division of Corporation Finance, in declining to take a no-action position, has expressed the view that such arrangements are securities for which no exemption from registration is available.³ The proposed rule reaffirms that position.

3. Contracts which are primarily investments.—The determination whether a contract is primarily insurance or primarily an investment involves, under this section, consideration of both the contractual terms and the manner of sale. The status of a contract under the Federal securities laws depends upon the totality of the circumstances surrounding the sale of that contract. Thus, it is necessary to consider more than the terms of the contract in many cases.

FACTORS TO BE CONSIDERED

Paragraph (c) of the proposed rule sets forth specific factors which are to be considered in making the determination called for by paragraph (b)(3).

(1) *Short-term Contracts.* Some contracts styled as annuities are written for a relatively short term, perhaps five to twelve years, and guarantee, for the entire term, a relatively high rate of interest. At the end of the contract term, the participant may have certain rights, including the right to leave his accumulated funds with the company, where interest will be credited at a minimal rate, or to "roll over" his accumulation into a new contract with new interest rate and annuity purchase rate guarantees.

When a short-term contract is sold to an individual who, because of his or her age, cannot reasonably be expected to annuitize by the time the initial term of the contract ends, the contract cannot be regarded as an exempt annuity. The purpose of the contract, in this situation, is to provide a means for tax-deferred capital accumulation.

(2) *Permanent annuity purchase rate guarantees which are not meaningful.* When guaranteed annuity purchase rates provide significantly lower benefits than are otherwise commercially available, the contract may be regarded as an investment rather than an annuity, particularly where its investment aspects are emphasized in marketing, or where the contract also contains provisions for the discretionary payment of excess interest.

(3) *Discretionary determination of excess interest.* Many contracts issued by insurance companies provide that the company may, in its sole discretion, declare interest in excess of the guaranteed rate. As the note to this section explains, provision for discretionary excess interest does not, in itself, mean a contract is not an exempt annuity. Rather, it is an indication that the contract may be an investment. If other factors contained in paragraph (c) are present, especially a marketing program emphasizing investment potential, registration of the contract may be required.

Traditional participating contracts are excluded from this section. They are not regarded as investments, and their exempt status would not be affected by the proposed rule.

(4) *Marketing as an investment.* This section involves consideration of circumstances in addition to the terms of the contract. Sales literature, advertising in print and electronic media, and representations by salespersons may all affect the determination as to whether a contract is primarily an investment.

AUTHORITY

Rule 154 would be adopted pursuant to the authority contained in section 19(a) of the Act (15 U.S.C. 77s(a)).

It is proposed to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding new § 230.154 as follows:

§ 230.154 "Annuity contract" or "optional annuity contract" for purposes of section 3(a)(8).

PRELIMINARY NOTE

"Annuity contracts" and "optional annuity contracts" are exempt from the registration provisions of the Act pursuant to section 3(a)(8). However, a variety of contracts and contractual arrangements, including some which are very different from contracts commonly in use at the time the Act was passed, have been labelled "annuities." Some of these are securities within the meaning of section 2(1) of the Act (15 U.S.C. 77b(1)), are regarded in the commercial world as investments, and are not contracts intended to be covered by section 3(a)(8). The purpose of Rule 154 is to provide criteria which will aid issuers and others in determining whether a contract, though issued by an insurance company and styled an "annuity," is outside the exemption from registration provided by section 3(a)(8) of the Act, and is required to be registered pursuant to section 5 of the Act.

In some instances, the provisions of a contract may, by themselves, cause the section 3(a)(8) exemption to be unavailable to that contract. A contract which does not provide, at its inception, a guaranteed, fixed annuity benefit cannot be regarded as an annuity exempt from registration. Similarly, the exemption is not available to a "deposit fund rider," the functional equivalent of an account maintained by a bank or savings and loan institution but not subject to any banking authority.

However, in determining the status of a contract under the federal securities laws, it will often be necessary to consider the totality of the circumstances surrounding the sale of that contract, including both the terms of the contract and the manner in which it is sold. Considered together, a contract's terms and the manner in which it is sold may cause such contract to be primarily an investment rather than an exempt annuity. The factors to be considered in making such a determination are set forth in paragraph (c) of the rule.

(a) *Definitions.* The following definitions shall apply for purposes of this rule.

(1) The term "deposit fund rider" shall mean a provision of, or associated with, a life insurance or annuity contract which permits the accumulation of funds with interest which may be applied to the purchase of an annuity.

³See letters of May 7, 1973, June 25, 1973, December 16, 1974, and April 21, 1975, to Ideal National Insurance Co.

ity and which permits withdrawal without significant penalty.

(2) The term "permanent annuity purchase rate guarantee" shall mean a guarantee provided in a contract at the date of issue which (i) specifies the level of annuity benefits to be provided by the issuer at a future certain date in return for the funds to be accumulated by the purchaser pursuant to the contract, and (ii) cannot be modified unilaterally by the issuer.

(3) The term "participating contract" shall mean a contract pursuant to which purchasers may receive additional interest or dividends to be declared by the issuer in accordance with its charter or bylaws requiring the allocation of its divisible surplus and/or in accordance with any applicable state laws or regulations which govern "participating contracts" or which prohibit discrimination in the allocation of divisible surplus among various classes or groups of contractholders.

(b) *Contracts not annuities.* The terms "annuity contract" and "optional annuity contract" as used in section 3(a)(8) of the Act shall not include contracts where:

(1) The contract contains no permanent annuity purchase rate guarantee;

(2) The contract is a deposit fund rider; or

(3) Considering the terms of the contract and the manner in which it is sold, the contract is primarily an investment.

(c) In determining whether a contract is primarily an investment, the following factors will be considered:

(1) Whether the initial term of the contract ends prior to a date on which the purchaser may reasonably expect to elect to begin receiving annuity payments;

(2) Whether the permanent annuity purchase rate guarantee provides for a level of benefits which is substantially less than otherwise commercially available;

(3) Whether the contract provides for determination of interest in excess of the guaranteed rate at the discretion of the issuer, except for participating contracts; and

(4) Whether the contract is marketed as an investment. In determining how a contract is marketed, consideration will be given to the contents of advertisements and sales literature, as well as to representations made or authorized to be made by persons engaged in sale and distribution activities.

(d) Under paragraph (c) of this section, provision for discretionary determination of excess interest by the insurer in a contract does not, in itself, mean that such contract is not an annuity exempt from registration. Similarly, the presence of guarantees of benefits substantially less than otherwise available by itself will not cause

an otherwise exempt contract to be nonexempt. However, either of these factors in conjunction with how the contract is marketed may cause the section 3(a)(8) exemption to be unavailable.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 17, 1978.

[FR Doc. 78-14317 Filed 5-22-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184]

[Docket No. 78N-0015]

INOSITOL

Proposed Affirmation of Grac Status as a
Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of inositol as a direct human food ingredient. The safety of this ingredient has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list the ingredient as a direct food substance affirmed as GRAS.

DATE: Comments by July 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: A comprehensive study of human food ingredients classified as GRAS or subject to a prior sanction is being conducted by the Food and Drug Administration (FDA). The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of inositol has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of this ingredient.

Inositol is the common name for the family of isomeric

hexahydroxycyclohexanes. Although there are several optically active and inactive isomers, considerations of inositol, or myo-inositol, as a food additive refer specifically to optically inactive 1,2,3,5,6-cyclohexanehexol. Inositol is obtained commercially from an aqueous (0.2 percent sulfur dioxide) extract of corn kernels by precipitation and hydrolysis of crude phytate. Inositol is also a widely distributed natural constituent of plant and animal tissues. The animal tissues richest in inositol are brain, heart, stomach, kidney, spleen, and liver where it occurs free or as a component of phospholipids. Among plants, cereals are rich sources of inositol particularly in the form of polyphosphoric acid esters, called phytic acids.

Inositol was thought for a time to be a vitamin because experimental animals, on synthetic diets, developed clinical signs that were corrected by inositol supplementation. However, the status of inositol as a vitamin is questionable because no cofactor or catalytic function for inositol has been found and because it can be synthesized and occurs in relatively high concentration in tissues. Although there is no direct evidence of a dietary requirement of inositol in adult humans subsisting on mixed and varied diets, it may be reasonable to put inositol in certain special dietary foods. For example, milk contains inositol as a naturally occurring component, and the addition of 100 mg of inositol per liter (about 1.1 quart) of milk-free infant formula is current commercial practice. On the average, cow's milk contains 80 mg per liter. The inositol content of human milk, which is 450 mg per liter starting at birth, falls to about 210 mg per liter at 1 week after birth and to 90 mg per liter within 3 months.

Inositol is listed as GRAS in the broad food additive category of nutrients in § 182.5370 (21 CFR 182.5370), pursuant to a regulation published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

A representative cross section of food manufacturers was surveyed to determine the specific foods in which inositol is used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to inositol. The total amount of inositol used in food in 1970 was estimated to be 12,000 pounds, or about 18 times that used in 1960. Most of this amount was used in milk-free infant formulas. Also some inositol is used in defined formula diets used solely under medical supervision for the dietary management of specific diseases and disorders.

Inositol has been the subject of a search of the scientific literature from

1920 to the present. The parameters used in the search were chosen to discover any articles that considered: (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 596 abstracts on inositol was reviewed and 45 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Much of the biological information on inositol has resulted from studies of its possible role in nutrition as a lipotropic agent and its metabolic relationship to other carbohydrates. The particular role of inositol in human nutrition is poorly understood; neither is it clear how important dietary inositol is in the synthesis of the inositol-containing constituents of the tissues, versus inositol synthesized de novo from glucose or other carbohydrate sources.

Although inositol has demonstrable lipotropic activity, it is considerably less effective than choline. Under certain experimental conditions, inositol has a synergistic effect with choline, but inositol does not prevent hemorrhagic kidneys in young rats receiving a diet low in choline and methionine; indeed, it seems to increase the severity of the renal pathology in these animals. It also appears, at least in rats, that the lipotropic activity of inositol depends upon the dietary intake of other nutrients, particularly biotin and thiamin. Signs of inositol deficiency have been demonstrated in several species of animals, but these observations have been complicated by interactions with such nutrients as biotin, pyridoxine, choline, and *p*-aminobenzoic acid. Moreover, possible therapeutic uses of inositol in the management of adult patients with diseases associated with disturbances in fat transport and fat metabolism have failed to provide any convincing evidence of beneficial effects in man.

Biosynthesis of inositol from glucose via glucose-6-phosphate involves enzymes which catalyze the cyclization of glucose-6-phosphate (cyclase) and removal of the phosphate (phosphatase). These two enzymes are present in fetal rat liver but decrease in activity promptly after birth. Studies by Nixon on sheep fetuses suggest that fetal blood inositol is of fetal rather than maternal or placental origin. However, it was also observed that blood inositol concentration declines after birth which is suggestive of placental origin. While a possible explanation of these findings was offered, the question regarding the site of inositol synthesis was not resolved. Naccarato and Wells have recently isolated a new disaccharide containing galactose and inositol (6-0-B-D-galactopyranosyl myo-inositol) from the mammary gland of the lactating rat.

While the significance of this inositol derivative is not known, its discovery emphasizes the importance of further investigations on inositol metabolism in early development.

In animals, ingested inositol appears to be absorbed slowly. Fasted rats given 250 mg of inositol orally (about 1.25 g per kg of body weight) required 24 to 48 hours for nearly complete absorption and only about one percent was excreted in the urine. Anderson found inositol (2 g per kg of body weight) to be absorbed very slowly in the dog and largely eliminated in the feces. The daily oral intake of 1.5 g of inositol in man for three weeks produced only a moderate increase in plasma inositol concentration. If given at a dose level of 0.5 g per kg body weight per day, inositol produced diarrhea in man, which subsided after a few days even with continued inositol administration; about 9 percent was excreted in the urine and the remainder of the ingested dose was not accounted for. Others have found that adults given 1 to 2 g of inositol per day for several weeks experienced no apparent harmful effects.

Stetten and Stetten demonstrated with deuterium-labeled inositol that a significant fraction of an intraperitoneal dose of 2 g, divided in four portions and given at 150-minute intervals, was converted to glucose in a phlorhizinized rat. Coots showed that intraperitoneal [¹⁴C] inositol is incorporated intact in complex tissue components, such as phospholipids, and is vigorously metabolized to CO₂ by the male rat, 20 to 40 percent of the dose being excreted in the respiratory CO₂ within 8 hours. Moscatelli and Lerner found significant amounts of parenteral; [¹⁴C] inositol to be incorporated into lipids of the brain, liver, kidney, and heart of the rat. Howard and Anderson found that the kidney may be the major site of inositol metabolism since oxidation of labeled inositol to CO₂ did not occur in nephrectomized rats.

The maximum tolerated intraperitoneal dose of inositol in the mouse is 500 mg per kg of body weight. Human subjects have been given up to 4 g of inositol intravenously, dissolved in isotonic saline (up to about 67 mg per kg of body weight), without reported adverse reactions, although there was a reduction in basal metabolic rate.

Young Wistar rats weighing about 50 g were fed diets providing doses of inositol of 0.5, 5, 10, and 50 mg daily for 45 days. At a dose of 0.5 mg per day, weight gain was greater than in control animals, but at 50 mg per day (about 1 g per kg of body weight) there was retardation of growth, staining of the hair, and general hyposthenia. When the experiment was repeated in 3-month-old rats no growth inhibition occurred with daily oral inositol supplements up to 5 g per kg body weight for a month. Further studies in young rats showed that the growth inhibition by an inositol intake of 50 mg per day was largely prevented by increasing either the protein content or by adding choline to the basal diet. Interestingly, in earlier work, inositol fed to female rats for 60 days at a level of 1 g per kg body weight had no effect on growth rate. In these experiments the diet contained 30 percent casein and was supplemented with choline.

Herrmann fed 36 hens 0.5 g inositol daily for 30 to 68 days. Blood cholesterol decreased by about 20 percent, indicating that inositol acts as a decholesterizing agent in hens.

No long-term toxicity studies on inositol in animals have been reported.

Lazlo and Leuchtenberger and subsequently Hasselbach and Burke found that intravenously injected inositol inhibited the rate of growth of transplanted Sarcoma 180 in female mice. Inhibition was dose-related, oral and subcutaneous administration were ineffective.

Inositol fed at 1 percent of the diet (about 2 g per kg body weight) for 60 days to female rats prior to mating had no effect on growth rate. In continuing feeding after mating, no effects were observed in reproductive performance, litter size, or weight of offspring, and no gross structural abnormalities were found in the offspring.

A study designed to evaluate mutagenic potential by several *in vitro* assay procedures revealed that inositol did not exhibit mutagenic activity. The assay procedures included estimation of reversion or conversion frequencies of three strains of *Salmonella typhimurium* and two strains of *Saccharomyces cerevisiae*, with and without activation by tissue homogenates derived from mouse, rat, or monkey liver, lung, or testis. Concentrations up to 5 percent inositol were used.

Inositol displayed no teratogenicity at levels up to 200 mg per kg when aqueous solutions were injected into the air cell or yolk of unincubated eggs or eggs after 96 hours of incubation. An LD₅₀ could not be determined for any of the four test conditions. Scattered minor abnormalities were observed but in no instance were they significantly higher in incidence or different in nature from those observed in the solvent-treated or untreated control eggs.

Inositol, fed at a dose of 280 mg to patients with cancer of the gastrointestinal tract and elevated fat in their livers, with some expectation that it might reduce the fat content, decreased liver lipid to about the same extent as an 8 g dose of lipocalc, a crude mixture containing 2.6 percent choline and 3.5 percent inositol. Neither inositol nor lipocalc caused as great a reduction in hepatic lipid as did a 3 g dose of choline chloride. It should be noted that in rats, inositol had a lipotropic effect only when animals consumed a fat-free diet, and the effect was greater when choline also was given.

Hypercholesterolemic patients given 2 g inositol daily for 6 to 10 weeks showed slightly reduced blood levels of cholesterol and cholesterol esters, but the investigator did not consider the reduction to be significant. Attempts to treat high-tone deafness and alopecia with inositol were unsuccessful when 1 to 3 g daily were given orally in divided doses for as long as 12 months. These and other therapeutic trials indicate that appreciable amounts of inositol can be tolerated in the diet of adults without adverse effects.

All the available safety information on inositol has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Inositol is a naturally-occurring substance that is widely distributed in plant and animal tissues and synthesized in animals and man. Orally administered inositol is absorbed slowly and is metabolized. The available information from toxicological studies in animals suggests no adverse effects associated with consumption of inositol at levels considerably in excess of those now consumed by humans.

Despite the demonstration of signs of inositol deficiency in several animal species, no requirement for dietary inositol in man has been established. The high inositol concentration of human milk, and the relatively low concentration in cow's milk, together with the inadequate understanding of inositol metabolism and utilization during neonatal development in animals and man, suggest the possibility that basic infant formulas, particularly milk-free preparations, may contain less inositol than is necessary for optimal growth and development. The rationale for adding inositol to certain infant formulas is based on an assumption that the greater intake insures against a possible deficiency of inositol during early growth and development, when the need for dietary sources of inositol might be maximal. However, if future investigations should clearly demonstrate a need for additional inositol in infant formulas, and if that need should be greater than the amount now added, it is unlikely that the recommended level of intake would exceed that supplied by human milk.

It is the conclusion of the Select Committee that there is no evidence in the available information on inositol that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on inositol, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of inositol is justified. He also affirms the GRAS status of inositol as a nutrient for use in special dietary foods. Such food shall conform to labeling regulations in 21 CFR Part 105 (formerly 21 CFR Part 125).

Copies of the scientific literature review on inositol, the mutagenic evaluation, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order No.	Price code	Price*
Inositol (scientific literature review).	PB-223-861/AS.	A04	\$5.25
Inositol (select committee report).	PB-262-660/AS.	A02	4.00
Inositol (mutagenic evaluation).	PB-245-433/AS.	A03	4.50

*Price subject to change.

This proposed action does not affect the present use of inositol for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the

Commissioner proposes that parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.5370 [Deleted]

1. In part 182 by deleting the entry for § 182.5370 *Inositol*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In part 184 by adding new § 184.1341 to read as follows:

§ 184.1341 *Inositol*.

(a) Inositol, or myo-inositol ($C_6H_{12}O_6$, CAS Reg. No. 000087-89-8) cis-1,2,3,4-trans-4, 6-cyclohexanehexol, occurs naturally and is prepared from an aqueous (0.2 percent sulfur dioxide) extract of corn kernels by precipitation and hydrolysis of crude phytate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as a nutrient supplement as defined in section 170.3(o)(20) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in the use of this ingredient in infant formulas and other special dietary foods, as defined in part 105 of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under part 181 (21 CFR part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before July 24, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written

¹Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

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 proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107.

Dated: May 12, 1978.

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

NOTE.—Incorporation by reference approved by the Director of the Office of Federal Register on July 10, 1973, and is on file in the Federal Register Library.

[FR Doc. 78-13715 Filed 5-22-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-78-535]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Refinancing of Loans

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The proposed rules would extend the maximum permissible repayment terms for property improvement loans that are refinanced. They would permit certain refinanced obligations (primarily loans made for the improvement or rehabilitation of single family homes) to have a term of up to 15 years and 32 days provided that the new obligation would not mature later than 25 years from the date of the original obligation. The maximum term for other types of loans refinanced would be 12 years and 32 days provided that the new obligation would not mature later than 22 years from the date of the original obligation.

DATE: Comments must be received on or before June 22, 1978.

ADDRESS: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Title I Loan Insurance Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTARY INFORMATION: The refinancing of property improvement loans is of significant aid in assisting homeowners who due to changed circumstances are unable to make the loan payments they originally contracted for. Refinancing enables such homeowners to lower their payments by lengthening the term of the loans.

Accordingly, the Department proposes to amend 24 CFR as follows:

§ 201.9 Refinancing.

(a) ***

(b) *Maximum maturity.* (1) A Class 1(a) loan may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 25 years from the date of the original note.

(2) A Class 1(b) or 2 loan may be refinanced for an additional period not in excess of 12 years and 32 days from the date of the refinancing except that the term of the new note shall not extend beyond 22 years from the date of the original obligation.

(3) A Class 2(b) loan secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 25 years from the date of the original obligation.

(4) A new note combining any of the above classes of loans shall not have a term in excess of the loan having the shortest permissible maturity.

(c) ***

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended).)

Issued at Washington, D.C. May 16, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 78-14366 Filed 5-22-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Depreciation of Property Attributable to Rehabilitation Expenditures Incurred With Respect to Low-Income Rental Housing

Correction

In FR Doc. 78-12410, appearing at page 19679 in the issue for Monday, May 8, 1978, make the following corrections:

1. On page 19680, third column, fourteenth line of *Example (2)*, insert the following after "attributable": "to only \$15,000 of the \$19,000 of expenditures".

2. On page 19684, third column, tenth line from the top, the figure "25,00" should read "25,000".

3. On page 19685, first column, twenty-eighth line from the bottom, the year "1976" should read "1969"; and in the thirty-second line from the bottom, the year "1979" should read "1969".

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comment.

SUMMARY: The Veterans Administration is publishing for public comment new and revised statements of policy and procedures which have been adopted by the Agency to implement the GI Bill Improvement Act of 1977. These policy and procedural statements will better acquaint veterans, eligible persons, educational institutions, and the public at large with the way in which this Act will be administered.

DATES: Comments must be received on or before June 22, 1978.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Adminis-

tration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: This publication contains DVB Circular 20-77-97, Appendix H. This appendix deals with the policy and procedures necessary to implement provisions of the GI Bill Improvement Act of 1977 which concern counseling. This appendix has been implemented and has or will be distributed through normal channels to interested persons.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 3, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: May 12, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

IDVB Circular 20-77-97; Appendix H, Mar. 20, 1978]

EDUCATIONAL AND VOCATIONAL COUNSELING UNDER CHAPTER 34

1. *Purpose:* This appendix provides instructions regarding the amendments to 38 U.S.C. 1663 which mandate the provision of comprehensive counseling services to all eligible veterans requesting counseling and require the VA to conduct an effective outreach program to acquaint eligible veterans with the availability and advantages of such counseling assistance.

2. *Background:* Comprehensive educational and vocational counseling assistance has been available to eligible veterans under the GI Bill since its inception during World War II. Original provisions allowed the Administrator, at his discretion, to provide educational and vocational counseling to eligible veterans upon the request of the veteran. Later regulations required counseling in cases of unsatisfactory progress and prior to approval of some changes of program. Although voluntary counseling has been provided for under all GI Bill programs, the proportion of veterans utilizing this service during the Vietnam era program has been significantly lower than that during the earlier programs. As there is some indication that many veterans are not aware of VA's

counseling services and that many of those veterans would avail themselves of this assistance if they were fully aware of the benefit, the current amendments are intended to increase the emphasis placed upon voluntary counseling and to assure that the availability and advantages of this VA service are effectively communicated to eligible veterans. An additional aspect of the current amendments is to specifically define the purpose of such counseling assistance, as assisting the veteran in selecting "(1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances." The intent of this provision is to ensure a broadened scope of counseling services which will be available to, and meet the needs of eligible veterans whose present goal is employment as well as those who desire to enter a program of education or training. Accordingly, outreach efforts directed to all eligible veterans are planned as follows: (a) A nationwide media campaign advising of the availability and advantages of VA vocational and educational counseling; (b) modification of VADS mailouts to newly separated veterans encouraging counseling; (c) mailout of check stuffer (VA Form 22-8781u) to active chapter 34 veteran-trainees regarding available VA counseling (starting with a 10 percent sample, (terminal digits 50 through 59) in April 1978); (d) development of a special brochure-application form for requesting counseling under chapter 34. The number of chapter 34 counseling cases nationwide for fiscal year 1978 is expected to increase approximately 55 percent over last fiscal year, from 69,000 to 108,000 as a result of the implementation of these provisions of Pub. L. 95-202.

3. *Procedure:* Counseling requests from veterans with eligibility for chapter 34 benefits should be processed in accordance with existing instructions contained in M22-2, part II, chapters 1 and 2, and M22-1, part I, chapter 4. Timeliness as well as quality is essential in providing necessary services to veterans who request counseling assistance under chapter 34. An individual letter or, if appropriate, Form Letter 22-875 should be used if counseling must be deferred. Adequate station controls will be established to ensure that the requested counseling is provided as soon as possible. The extent and nature of counseling assistance provided should be geared to the individual needs of the veteran so as to enable each veteran to select, plan for, and reach his or her training or employment objective.

4. *Counseling process:* The comprehensive vocational and educational counseling process discussed in M22-1, part I, chapter 2, is for continued application in all requests from veterans for counseling under chapter 34. The expanded reference to counseling contained in the amendments to 38 U.S.C. 1663 warrant some discussion of implications for the overall counseling process. Renewed emphasis should be placed on assisting the veteran in identifying suitable educational or employment objectives by helping the veteran to learn more about his or her own vocational interests and abilities,

the opportunities for potential employment, and the availability of training programs. The opportunity should be provided for the veteran requesting counseling to go over his or her background, ambitions and other personal matters, in consideration of the following: (1) His or her aptitudes, interests and abilities; (2) the duties and employment outlook for various occupations and professions; (3) the veteran's chances of successfully completing various kinds of education and training; (4) information on where and how to enter on-the-job training, secondary school, trade school, college, and/or professional school; (5) information on the availability of various Federal Government programs of financial and employment assistance; (6) information on licensing requirements, labor unions, State and local laws, physical requirements, and other factors that may influence the veteran's choice of a training or employment objective. Some veterans may be unsure of their objective or feel a need to review current training program or future plans, while others may be experiencing problems or personal difficulties which may interfere with training. The counseling assistance provided should be that help needed to assist the veteran in reaching suitable training and/or employment goals. It becomes apparent to the counseling psychologist that the assistance needed is one of psychotherapy, or could be delivered with greater benefit to the veteran by referral to other counseling resources, appropriate referral should be made with full clarification and discussion of actions being taken provided to the veteran.

5. *Information requirements:* Comprehensive and current educational and occupational information must be available to the counseling staff in all offices where VA counseling is carried out. These resources should include materials on national, regional and local employment data and projections, specific job requirements, available training programs, and available Federal and local government programs such as CETA prime sponsor programs, VA work study, and other programs of financial and employment assistance. Every effort should be made to update this information frequently so that current and accurate information is available to veterans as specific needs arise. Possible use of State occupational information systems should be explored in those locations where available. Frequent staff inservice training sessions should be devoted to local employment trends, available employment resources (especially in regard to placement assistance and part-time employment while pursuing training), and requirements for taking advantage of available Federal and local government programs.

6. *Case Control and Followup:* In view of the PL 95-202 emphasis on expanding the outreach effort and providing comprehensive counseling assistance, it is imperative that proper attention be given to case control, followup and followthrough. All cases will be processed in the manner detailed in M22-1, part I, par. 4.08b, with the following additional considerations: (1) In situations where a veteran fails to keep a scheduled counseling appointment, an effort should be made to contact the veteran (by phone if possible) to see if a new, mutually agreeable

appointment can be set up. If the counselee declines a followup appointment at this time, the reason for such a decision should be sought and entered into the veteran's record before disposing of the case. If subsequent followup action is indicated, the case should be diaried for appropriate future contact. If direct contact with the veteran cannot be made, an individual letter or, if appropriate, FL 22-871 should be sent advising that counseling is still available; (2) if a veteran initiates counseling but does not complete the process to the point of selecting a training or employment objective, the reason for suspending counseling will be noted in the record and, if indicated, the case will be diaried for future contact; (3) if the veteran indicates the desire to defer education and training in favor of an employment objective, all indicated immediate assistance should be provided including referral to the State Employment Service for placement assistance if needed. The veteran should be further advised that if his/her personal circumstances or goals change, additional counseling assistance and further consideration of educational benefits may again be requested.

7. *Reporting format:* In order to evaluate the effectiveness of outreach efforts and the resulting workload, the following report (RCS 77-17) Report on Chapter 34 Requested Counseling, should be submitted monthly to the Field Director (042B21). Beginning with cases received in April (reporting cumulatively thereafter) and utilizing the regular cutoff date for the month, information should be in the following format:

REPORT ON CHAPTER 34 Requested Counseling (RCS 22-17)

- A. Cumulative No. of cases received ———.
 - B. Cumulative No. of cases disposed of with counseling ———.
 - (1) Training objective selected ———.
 - (2) Employment objective selected ———.
 - (3) Counseling suspended ———.
 - C. Cumulative No. of cases disposed of without counseling ———.
 - D. No. of cases pending disposition (sum of B, C, and D must total A). ———.
8. No local form or form letter will be developed for this purpose. Reports should reach Central Office by the 10th workday of each month. The first report will be due May 12, 1978.

[FR Doc. 78-14304 Filed 5-22-78; 8:45 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Chapter 1]

[FRL 872-8]

IMPLEMENTATION OF THE CLEAN WATER ACT AMENDMENTS OF 1977

Correction

In FR Doc. 78-12929, appearing at page 20821 in the issue for Monday, May 15, 1978; the tables appearing on pages 20821 and 20822 should have appeared as printed below:

Short Title and Section of Act	Brief Description	Estimated Date of Publication	Contact Name	Mail Code	Telephone
Construction Grant Regulations					
Proposed Amendments to 40 CFR Part 35 Subpart F (Construction Grants) covers the following topics:		5/1/78	M. Cook	WH-547	426-9404
Recreational Use 201(g)(6)	Future State, interstate and intermunicipal grants must demonstrate that project planning has analyzed potential recreation and open space opportunities.				
Innovative Technology 201(g)(5)(1), (2), (3), (4)(1), (2), (3)	Several provisions to encourage the use of innovative and unconventional waste water treatment systems.				
Contract Enforcement 201(e)	Upon request, EPA may provide technical and legal assistance to administer and enforce contracts related to EPA grant-assisted treatment works.				
Interim/Final amendments to 40 CFR Part 35 Subpart F covering the following topics:		5/1/78	M. Cook	WH-547	426-9404
State Priority 201(i)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12)	Establishes State authority to determine relative priority of their eligible project categories.				
Grant Eligibilities 211	Restricts the use of population data as test of eligibility of collector sewers; limits eligibility of these sewers and also makes separate storm sewers ineligible.				
Land Eligibility 212	Land for the storage of wastewater in a land treatment system is now grant eligible.				
Industrial Cost Recovery 201(d)(1), (2), (3)	Under certain conditions, small industrial dischargers with flows up to 25,000 gpd requiring treatment comparable to domestic waste may be exempted from industrial cost recovery.				
User Charges 204(h)(1), (2), (3), (4), (5)	Specifies conditions where an ad valorem system may be used for user charges for residential and small non-residential users.				
Individual Systems 201(h)	Will make available grants to privately-owned treatment works where such projects will be more cost-effective than a central publicly-owned treatment works.				
Step 2/3 Combined 203(a)	Construction grants for steps 2 and 3 may be combined for projects under \$2 million serving grantee population up to 25,000.				
Buy America 215	Requires preference for the use of American-made products in treatment works funded by construction grants.				
Training Grants 109(b)(1), (2), (3)	Will provide for grants to cover expenses of State treatment works operator training programs, and raise the maximum grant to \$500,000.				
Cost Effectiveness Guidelines 201(j), (1), (2), (3)	Regulations to provide for cost-effectiveness guidelines that emphasize identification of alternatives, e.g., recycling of wastes, use of sludge, and preference for innovative and alternative processes.				
Reserve Capacity 204(a)(5)	Criteria for determining reserve capacity include reduction of unnecessary water consumption and sewage flows and the use of population data from 700 plans.				
Water Quality Management Regulations					
The Water Quality Management Regulations will be revised to (1) incorporate the Clean Water Act Amendments and (2) to consolidate and simplify the regulations in accordance with the March 23, 1978 Executive Order on Improving government regulations.		6/23/78	J. Krivak	WH-554	755-4911
Open Space and Recreation 208(b)(2)(A)	Water quality management plan must analyze open space and recreation opportunities.				
State Best Management Practices (Related to 408) 208(b)(1)(4)	Authorizes States to establish regulatory programs for discharge of dredge and fill material.				
Agricultural Erosion Sharing 208(j)	Department of Agriculture will provide up to 50% grant to install BMP's for soil conservation to improve water quality.				
Other Regulations					
Ocean Discharge 301(h)	Will provide for modification of secondary treatment requirements for existing deep marine dischargers if they meet specified conditions.	4/18/78	T. O'Farrell	WH-547	426-8976
BCT Definition and Pollutant Removals 304(b)	Development of conventional pollutant effluent limitations.	Not Scheduled	J. Denit	WH-552	426-2707
BMP's for Industry 304(e)	Control indirect discharges of toxic pollutants from various industrial point sources.	Not Scheduled	J. Denit	WH-552	426-2707
Pretreatment Removal Credit Regulations 307(b)(1)	Promulgated regulations allow modification of national toxic pretreatment standard if joint industry/treatment works treatment will meet direct discharge requirements.	5/8/78	S. Meare	WH-506	755-6885
Oil Spill Liability 311(a)-(d), (f)-(k), (p), (q)(1)	Will extend liability for oil spills to a 200 mile limit and provide for use of funds if there is a substantial threat of a discharge.	Not Scheduled	K. Biglane	WH-548	245-3048
Marine Sanitation Devices 312	Prohibit wastewater discharges from commercial vessels on the Great Lakes and provide protection for drinking water intake areas.	11/78	J. Anson	WH-505	245-3036
Clean Lakes 314	Provides EPA assistance to States for the preparation of surveys on the quality of freshwater lakes.	12/78	L. Guarrata	WH-505	245-3042
Dredge or Fill 404(a)-(f) (k)(1)(i)	Final EPA site selection guidelines for disposal of dredge or fill material will be developed along with guidance for approval of State programs.	5/15/78	J. Lewis	WH-505	245-0581
Guidelines for Sludge Disposal 405(b)(4)	EPA guidelines will address uses for sludge, costs of usage and disposal, and pollutant concentrations that interfere with use and disposal.	5/15/78	B. Needle	WH-564	755-9120

[4110-02]

**DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE**

Office of Education

[45 CFR Part 164]

STATE CAPACITY-BUILDING PROGRAM**Decision to Develop Regulations**

AGENCY: National Center for Education Statistics.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Administrator of the National Center for Education Statistics proposes to develop regulations to govern the award of discretionary grants to build the statistical capabilities of State educational agencies by facilitating improvements or automation in their statistical systems. These grants, made under the authority of the Education Amendments of 1974, are intended to reduce data burden; improve the timeliness, quality, or utility of statistical data; or meet similar objectives by enhancing the long-term capabilities of State educational agencies to collect, process, analyze, or report data about education. The Administrator has allocated \$300,000 for the support of this program in fiscal year 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Ms. Donna Mertens, National Center for Education Statistics, 400 Maryland Avenue SW., Room 3061, Washington, D.C. 20202, phone: 202-245-7813.

Dated: March 27, 1978.

MARIE D. ELDRIDGE,
Administrator, National
Center for Education Statistics.

(FR Doc. 78-14332 Filed 5-22-78; 8:45 am)

[7035-01]

**INTERSTATE COMMERCE
COMMISSION**

[49 CFR Part 1109]

(Ex Parte No. 327 (Sub-No. 1))

**REQUIREMENTS AND PROCEDURES RELATING
TO RAILROAD REVITALIZATION AND REGU-
LATORY REFORM ACT OF 1976****Requirements and Procedures Relating to Rate
Incentives for Capital Investment**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rule-making.

SUMMARY: The Commission invites public comment on proposed changes in existing regulations special govern-

ing procedures for the filing of rail rates based on capital investments of \$1 million or more. The proposed changes are designed to encourage good faith negotiations between the carrier and shipper prior to the filing of a capital incentive rate proposal, to provide the potential shipper with better notice of the filing of a capital incentive rate proposal with the Commission, and to improve the administrative handling of capital incentive rate proceedings by providing for a prompt determination of the validity of the proposed capital investment prior to the filing of a notice of intent to file a capital incentive rate.

DATES: Any person who wishes to participate in this proceeding shall file with the Commission a notice of intent to participate within 20 days of the FEDERAL REGISTER publication. An original and 1 copy of the notice of intent to participate will be appreciated. The Commission will then compile and distribute to interested persons a service list and by notice establish a procedural schedule for the submission of pleadings.

ADDRESS: Send notice of intent to participate to: Office of Proceedings, Section of Rates, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION
CONTACT:**

Janice M. Rosenak, or Harvey Gobetz, 202-275-7693.

SUPPLEMENTARY INFORMATION: Section 15(19) of the Interstate Commerce Act permits the filing of railroad rates based on a capital investment of \$1 million or more, individually or collectively, by a carrier, shipper, receiver, or interested third party. If a railroad files a notice of intent to publish such a rate, the Commission must determine its lawfulness within 180 days. If the rate is not held unlawful within that time, it may not be set aside as unlawful under sections 1, 2, 3, or 4 of the Act for 5 years after it is published. However, the Commission may at any time order the rate revised to the variable cost level, if it finds the rate reduces the carrier's going concern value.

The current regulations provide for concurrent determinations of the eligibility of the proposed rates for this treatment and their lawfulness, within 180 days of the filing of a notice of intent to publish capital incentive rates with the Commission. Together with this notice, the railroad must file copies of the tariff containing basic information about the proposal, and a summary of the proposal suitable for publication in the FEDERAL REGISTER. After this summary is published, interested persons have 25 days to file protests. An additional 70 days is provided

for completion of the evidentiary record. No mechanism for directly notifying known users of the proposed rates is provided.

By petition filed December 28, 1977, Allied Chemical Corporation proposed that the notice requirements in 49 CFR § 1109.20(b)(3) relating to information to be included in a summary of a capital incentive rate proposal suitable for publication in the FEDERAL REGISTER be expanded to include these additional details: the rate itself, carload and trainload minimum weights, annual minimum volume requirements, demurrage provisions which differ from standard, whether the rate applies to railroad or privately owned cars, and whether the rate is subject to an escalation clause (and its terms).

We believe this modification is justified by the need to provide interested persons with adequate notice of the basic details of a capital incentive rate proposal.

In light of our experience under the existing capital incentive rate procedures, we have found that substantial questions as to eligibility to use the capital incentive provisions can be analyzed only with extreme difficulty in the 180 day statutory time period between the filing of a notice of intent to file a capital incentive rate and the necessary determination as to its lawfulness. We believe that Congress intended that this period be utilized to make a determination of the lawfulness of rates which clearly qualify. We propose therefore to require a showing that the investment qualifies before the notice of intent may be filed. The difficulty in determining whether the necessary investment will be made is particularly acute where the investment relied on is additions or improvements to existing rolling stock, track, or roadbed. We propose to require greater detail as to these types of investments.

When the existing regulations in Ex Parte No. 327 were adopted, it was anticipated that good faith negotiations would take place where both the railroad and a shipper made qualifying investments. There has been some indication that certain rail carriers may have attempted to file proposed rates higher than those negotiated, after concerned shippers had made multi-million dollar rail related investments. This situation is obviously counterproductive if outside investment is to be attracted by the rail industry. The proposed modifications would permit the Commission to take appropriate action, including denial of capital incentive rate treatment, where the negotiating process is clearly abused.

The existing procedures have proved inefficient in notifying known persons who are entitled to use the proposed capital incentive items. We propose to require the carrier to notify these persons directly.

A determination as to eligibility to use the capital incentive rate procedure will be made within 40 days of the completion of evidentiary proceedings on that matter. The Commission has moved to expedite further handling of these proceedings by proposing that the procedural time limits for submitting statements as to the lawfulness of qualified proposed schedules be shortened and that uncontested proposals and contested proposals found to be lawful receive special permission to publish on less than 30 days' notice whenever feasible.

Accordingly, it is the purpose of this notice to initiate modification of the Ex Parte No. 327 procedures, inform interested parties on the scope of the modification, and invite comments. The revised § 1109.20 (new or changed provisions are italicized) would read as follows:

§ 1109.20 Requirements and special procedures relating to rate incentives for capital investments.

(a) *Applicability.* The provisions of this part apply only to railroad proposals for a new rate, fare, charge, classification, regulation, or practice that requires a total capital investment of \$1 million or more, individually or collectively, by such carriers, or by a shipper, receiver, or agent thereof, or an interested third party. These proposed rates are hereafter referred to as capital incentive rates.

(b) *Establishment of requisite capital investment.* (1) *General.* No carrier may file a notice of intent to file a capital incentive rate under paragraph (d) unless it has previously established that the requisite \$1 million investment has been or will be made.

(2) *Required Information.* A carrier seeking to establish that it is entitled to file a notice of intent shall file with the Commission an original and seven copies of a sworn affidavit detailing the following information:

(i) A full description and explanation of the proposed investment. If any part of the investment is additional locomotives or rail cars, the affidavit shall explain the extent to which and why the carrier's existing locomotive or car pools cannot supply the needed equipment. If any part of the investment consists of improvement to existing rail track or roadbed, the affidavit shall detail and provide documentary evidence of the specific improvements that have been made prior to the filing of the affidavit, and the extent to which other specific planned track or roadbed improvements will be necessary over each of the next 5 years, and shall show why and to what extent the planned investment exceeds average maintenance of way expenditures for the previous 3 years. All other alleged capital investments must be fully detailed. The carrier may only rely on in-

vestments specifically detailed in this affidavit.

(ii) The name and contribution of each entity proposing to make the investment, and the names of all shippers and receivers eligible to tender freight under the capital incentive item.

(iii) The anticipated rate level, any carload or trainload minimum weights or annual volume requirements, any demurrage provisions which differ from standard demurrage provisions, whether the rate will apply to railroad or privately-owned cars, and whether the rate will be exempted from ex parte general increases or whether a formula for its periodic adjustment has been predetermined (and the nature of any such formula).

(3) *Service of affidavit on capital incentive rate users.* A copy of the affidavit required by sub-paragraph (2) must be served on all known persons eligible to tender freight under the capital incentive item by the carrier proposing the item, on or before the date it is filed with the Commission.

(4) *Federal Register Publication.* The carrier, at the time it files the affidavit required by sub-paragraph (2), must provide the Commission with a summary suitable for publication in the FEDERAL REGISTER detailing the information required by sub-paragraph (2) and the name and address of the responsible carrier representative to whom inquiries and requests for pertinent documents may be addressed. As soon as practicable, the summary shall be published in the FEDERAL REGISTER by the Commission and in one transportation trade publication of general distribution by the carrier.

(5) *Protests of eligibility of proposed capital investment.* Any person which does not wish to contest the eligibility of the proposed capital investment, but wishes to reserve the right to challenge the lawfulness of the proposed capital incentive schedule should the investment be found to qualify for treatment under this part, may file a statement to that effect on or before the 25th day from the date of publication in the FEDERAL REGISTER. Any person which contests the eligibility of the proposed capital investment must file an original and seven copies of its protest containing all its evidence and arguments on this issue on or before the 25th day from the date of publication in the FEDERAL REGISTER. The protest shall state the date of publication of the summary in the FEDERAL REGISTER, if known. The carrier may reply within 20 days after the filing of a protest.

(6) *Discovery.* When a protest is filed under subparagraph (5), it is not contemplated that either party shall exercise the right of discovery. However, in extraordinary situations, the Commission may grant a limited right of discovery where there is a serious ques-

tion as to the carrier's apportionment of additional locomotive, rail car, track, or roadbed expense, necessitated by the particular traffic that will move under the proposed capital incentive rate, between existing pools, facilities, and routine maintenance, and new equipment or facilities.

(7) *Finding as to eligibility; Time Limit; Burden of Proof.* If no protest challenging eligibility is filed under sub-paragraph (5), the carrier shall be entitled to capital incentive rate treatment and may file a notice of intent to file a capital incentive rate. If a protest is filed, the Commission shall determine whether or not the carrier is entitled to capital incentive rate treatment within 40 days of the completion of evidentiary proceedings on that issue. The burden of establishing entitlement to capital incentive treatment shall be on the carrier if a protest challenging eligibility is filed.

(c) *Requirement of good faith negotiations.* Where a protest challenging the eligibility of the proposed investment or the lawfulness of the proposed capital incentive rate schedule is filed by a person eligible to tender freight under the capital incentive item which has itself already made capital investment of \$1 million or more in rail related plant or equipment, that person and the carrier must submit a summary of the negotiations which preceded the attempt to establish the proposed capital incentive rate item. If it appears that either party has acted in bad faith during or after these negotiations, the Commission may dismiss the proceeding or take such other action with respect to the proceeding as justice requires.

(d) *Notice of intention.* A notice of intention to file a schedule containing a capital incentive rate must be filed in advance of the filing of the actual tariff by the carrier (or its agent) electing to use the special procedures adopted pursuant to section 15(19). The notice may only be filed by an eligible carrier, shall refer to Ex Parte No. 327, and shall be accompanied by the following:

(1) Two copies of the proposed tariff, one copy of which will be received and remain available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.

(2) An original and seven copies of a sworn affidavit by the carrier proposing the schedule containing a brief description of the eligible capital investment, the rate level, any carload or trainload minimum weights or annual volume requirements, any demurrage provisions which differ from standard demurrage provisions, a statement whether the schedule applies to railroad or privately owned cars and whether the proposed schedule will be exempted from ex parte general in-

creases or whether a formula for periodic adjustment of the proposed schedule has been predetermined (and the nature of any such formula), and estimates of the variable cost per unit of service under the proposed schedule. The carrier shall serve a copy of these documents on each party to the proceeding on or before the date of filing with the Commission.

(e) *Hearing.* Upon receipt of the notice of intent, the Commission will immediately schedule a hearing on the lawfulness of the proposed schedule. If no protests challenging the lawfulness of the proposed schedule are filed, the schedule will not be further investigated and its publication will be authorized under subparagraph (f)(2).

(1) *Burden of proof.* In any hearing pertaining to the lawfulness of a proposed capital incentive rate schedule the burden of proof shall be on the protestant.

(2) *Procedural dates.* A protestant's initial presentation, in written form under modified procedure shall be due 20 days from service of the Commission order instituting the hearing. The reply statement of the carrier (respondent) or any interested party shall be due 20 days thereafter. Protestant's rebuttal statement shall be due 20 days after the filing of the reply statement. Oral hearing will be directed only when the Commission deems it necessary for the purposes of cross examination or other strong cause.

(3) *Postponement of procedural dates.* In view of the statutory requirement that hearings be concluded and a determination of lawfulness made within a 180 day period following the date of filing of the notice of intention to file a capital incentive rate, postponement of the procedural dates established by these regulations is not contemplated except in the most extraordinary situation. Request for postponement will not be accepted for filing if received later than 10 days before the due date.

(f) *Orders authorizing or prohibiting the publication of capital incentive rates.*

(1) *Investigated proposals.* After a hearing on the lawfulness of a capital incentive rate proposal, the Commission shall, as expeditiously as possible but in no event later than 180 days after the filing of the notice of intent, either authorize publication of all or part of the proposed schedule on 30 days notice or prohibit the publication of the schedule.

(2) *Noninvestigated proposals.* An order authorizing the tariff publication on 30 days' notice shall be entered 30 days after service of the order scheduling a hearing under paragraph (e) if no statement challenging the lawfulness of the proposed schedule is timely filed.

(3) *Period of authorization.* The authorization under sub-paragraphs (1)

and (2), if not exercised, shall expire 180 days after service of the order of authorization.

(4) *Special permission to file on less than 30 days' notice.* A carrier may request special permission to file an approved capital incentive rate on less than 30 days' notice. Such a request will be liberally granted.

(g) *Notations in tariffs or schedules.* Tariff provisions implementing capital incentive rates shall contain the following notations:

Provision named herein authorized by Commission order served _____, Docket No. _____ in conformity with 49 CFR 1109.20.

Tariff provisions shall further state, if applicable, the name(s) of shippers and/or receivers eligible to tender freight under the capital incentive item.

(h) *Reopening.* The Commission shall retain jurisdiction in order that the capital incentive rate by increased to a variable cost level in the event the capital incentive rate is found to reduce the going-concern value of the carrier.

(i) *Effect of capital incentive rate treatment.* For a period of 5 years following the date a capital incentive rate becomes effective, the proceeding shall not be reopened nor any complaint received for consideration of alleged violations of section 1, 2, 3, or 4 of the act.

The proposed modifications do not appear to be a major Federal action requiring preparation of an environmental impact statement under the procedures of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. However, comments regarding environmental issues, if any, should be included in statements filed with the Commission in response to this notice.

Decided May 8, 1978.

By the Commission, Commissioner Murphy not participating, Commissioner Stafford absent and not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14340 Filed 5-22-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Chapter VI]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S ADVISORY PANEL

Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public meeting announcement.

SUMMARY: This document announces a public meeting of the Mid-Atlantic Fishery Management Council's Advisory Panel to be held in Dover, Del., on June 9, 1978.

DATE: The meeting will be held on June 9, 1978, at 10 a.m.

ADDRESS: The meeting will be held at the Quality Inn (Mayor's Room), U.S. Route 13 and Loockerman Street, Dover, Del.

FOR FURTHER INFORMATION CONTACT:

Mr. John Bryson, 302-674-2331.

SUPPLEMENTARY INFORMATION: A meeting of the Surf Clam Advisory Panel of the Mid-Atlantic Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will be held on June 9, 1978, at the Quality Inn (Mayor's Room), U.S. Route 13 and Loockerman Street, Dover, Del. 19901, from 10 a.m. to approximately 5 p.m.

Proposed agenda. (1) Review of moratorium provision in the Surf Clam Fishery Management Plan; (2) review of enforcement procedures; (3) update of resource assessment and coordination needed on future surveys; (4) discussion of draft procedures and criteria for closing surf clam beds; (5) advantages and disadvantages of vessel quotas and the split fishing season proposed; and (6) discussion of duties and procedures of Advisory Panel operation.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Del. 19901, telephone 302-674-2331.

Dated: May 16, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14241 Filed 5-22-78; 8:45 am]

[3510-22]

[50 CFR Chapter VI]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public meeting announcement.

SUMMARY: The document announces a meeting of the New Eng-

land Fishery Management Council to be held in June in Portland, Maine.

DATE: The meeting will be held on June 7 and 8, 1978.

ADDRESS: The meeting will be held at the Holiday Inn (downtown), Portland, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Spencer Apollonio, 617-535-5450.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council, established under Sec-

tion 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 7-8, 1978, at the Holiday Inn (downtown), Portland, Maine. The meeting starts at 10 a.m. and will adjourn at approximately 5 p.m. on June 7; and 9 a.m. to approximately 5 p.m. on June 8.

Proposed Agenda: (1) Herring Fishery Management Plan: Council discussion of comments from public hearings; (2) Groundfish Fishery Management Plan: Status, review, and discussion; (3) Discussion and status of U.S.-Canadian negotiations and interim agreement; (4) Ocean Perch Fishery Management Plan: Discussion of ob-

jectives and management strategies; and (5) Other management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960; telephone: 617-535-5450.

Dated: May 17, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-14255 Filed 5-22-78; 8:45 am]

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In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230; Louis A. Mezzano, District Director, U.S. Customs Service, 477 Michigan Avenue, Detroit, Mich. 48226; and Col. Melvyn D. Remus, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Mich. 48231.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on June 22, beginning at 9:30 a.m., in Staff College Classroom A, U.S. Federal Building, 50 North Washington Avenue, Battle Creek. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by June 15, notify the Board's Executive Secretary, in writing at the address below, of their desire to be heard. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through July 24, 1978. The submission of evidence is not desired during the posthearing period unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director, U.S. Customs Service, 5085 Leonard Wood Road, Battle Creek, Mich. 49016.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets NW., Washington, D.C. 20230.

Dated: May 18, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

[FR Doc. 78-14313 Filed 5-22-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
Administration

NATIONAL MARINE FISHERIES SERVICE

Public Meeting

The National Marine Fisheries Service announces a technical workshop on the subject of fees charged to each foreign nation for fishing for fishery

resources subject to the jurisdiction of the United States.

The meeting will be held June 22-23, 1978 at the Penthouse Conference Room, 2001 Wisconsin Avenue NW., Washington, D.C. 20235, commencing at 8:30 a.m. on June 22, and adjourning at 5 p.m. on June 23. This meeting may be extended or shortened depending on length of discussions.

The purpose of the meeting is to reexamine the underlying theory, criteria, and practices relating to foreign fishing fees. Specialists have been asked to prepare papers for this technical meeting. From the discussion of these papers a set of principles is expected to emerge.

The technical papers will be discussed by a limited number of specialists invited to the meeting. The meeting is open to the public and limited seating will be available. Interested public will be invited to participate in a larger conference on this subject to be held this fall.

For further information on seating, changes to the agenda, and/or written comments, contact Clemens Bribitzer, Fishery Management Specialist, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, telephone 202-254-8554.

Dated: May 17, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, Na-
tional Marine Fisheries Service.

[FR Doc. 78-14201 Filed 5-22-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is given of a meeting of the Army Advisory Panel on ROTC Affairs to be held on June 21, 1978 at the Fort Riley Officers' Open Mess, Fort Riley, Kans. The proposed schedule of activities is as follows:

0900 Hours—Opening Remarks and Introductions.

0915 Hours—Remarks, Deputy for Military Personnel Policy, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

0930 Hours—Department of the Army/U.S. Army Training and Doctrine Command Briefings.

1040 Hours—Review of Education and Training for Officer Study Group Presentation.

1300-1630 Hours—Panel Discussion on ROTC Topics.

This meeting is open to the public.

DATE: May 15, 1978.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, U.S. Army, Director,
Administrative Management,
TAGCEN.

[FR Doc. 78-14152 Filed 5-22-78; 8:45 am]

[3710-08]

MILITARY PERSONAL PROPERTY CLAIMS SYMPOSIUM

Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on 15 June 1978, at Headquarters, Military Traffic Management Command, Nassif Building, Room 716, 5611 Columbia Pike, Falls Church, Va. 22041. The meeting will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on mutual problems arising from claims for loss, damage, or destruction of personal property while in transit or storage.

This Symposium will be open to the public to the extent that space limitations of the meeting space permit. Because of these limitations, interested parties are requested to reserve space by contacting the Commander, Military Traffic Management Command, Attn: MT-PPM, Washington, D.C. 20315, telephone 202-756-1808.

All interested persons desiring to submit topics to be discussed should submit them in writing to the address given in the preceding paragraph. Topics to be discussed should be received on or before 8 June 1978.

Date: 12 May, 1978.

DONALD H. MENSCH,
Colonel, GS
Director of Personal Property.

[FR Doc. 78-14300 Filed 5-22-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 910]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 15, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31

days following the date of this notice, except for radio applications not requiring a 30 day notice period (See Section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See Section 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS
COMMISSION,

WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21078-CD-P-78 Metrotec, Inc. (new). C.P. for a new one-way station to operate on 35.58 MHz; Pinal Peak, 7.5 miles southwest of Globe, Ariz.
- 21122-CD-P-78 Rule Radiophone Service, Inc. (new). C.P. for a new two-way station to operate on 152.24 MHz; Ferguson Building, 5th and Cedar Streets, Rawlins, Wyo.
- 21356-CD-P-78 Professional Communications, Inc. (KTS238). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 5: Glenwood Road, 3.5 miles west of Holland, N.Y.
- 21357-CD-P-(2)-78 West Texas Rural Telephone Coop (KUA223). C.P. for additional facilities to operate on 454.450, 454.625 MHz at Loc. No. 2: 9.5 miles north of Hereford on Highway 385, Tex.
- 21358-CD-P-78 Coastal Communications, Inc. (new). C.P. for a new two-way station to operate on 152.12 MHz; Ragged mountain, approximately 4 miles west of Camden, Maine.
- 21359-CD-P-(2)-78 Mobilphone Northwest (KOP261). C.P. for additional facilities to operate on 2170.0 MHz (repeater) at Loc.

No. 1: Rattlesnake Ridge, 16.5 miles west-northwest of Richland; 2128.0 MHz (control) at a new site described as Loc. No. 8: 2600 North Commercial Avenue, Pasco, Wash.

21360-CD-P-78 Anser-Quik Enterprises, Inc. (KWU435). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 4: On Highway 70, 2.5 miles east of Trent River Bridge, James City, N.C.

21361-CD-P-(2)-78 Bryan F. Mortensen d.b.a. Al-Com Mobile-Fone (KWU368). C.P. to change antenna system operating on 152.12 MHz and additional facilities to operate on 152.18 MHz to be located West McGregor Road, 1.5 miles east of Algona, Iowa.

21362-CD-P-(2)-78 Walnut Hill Telephone Co. (KLB682). C.P. to change antenna system and replace transmitter operating on 152.72 MHz; additional facilities to operate on 152.69 MHz to be located corner of Fort and 7th Streets, Lewisville, Ark.

21363-CD-P-(3)-78 Mobilphone, Inc. (KIY511). C.P. for additional facilities to operate on 75.96 MHz (control) at Loc. No. 2: 1100 Cleveland Street, Clearwater; 454.250, 72.96 MHz at a new site described as Loc. No. 3: First Financial Towers, North Tampa Street, Tampa, Fla.

21364-CD-P-(6)-78 Minnesota Communications Corp. (KSV993). C.P. for additional facilities to operate on 35.58, 43.58, 158.70 MHz at a new site described as Loc. No. 6: Radison South Hotel, 7800 Normandale Boulevard, South Bloomington; 35.58, 43.58, 158.70 MHz at a new site described as Loc. No. 7: Brooklyn Drive and Kyle Avenue, Brooklyn Park, Minn.

21365-CD-P-(3)-78 A. W. Clark d.b.a. Hy Desert Radio Telephone (KUS216). C.P. to relocate facilities operating on 152.09 and 459.175 MHz at Loc. No. 1 to be located at Drake Peak, 12 miles northeast of Lakeview; 454.175 MHz (control) at Loc. No. 2 to be located Black Cap Mountain, 2 miles east of Lakeview, Ore.

21366-CD-P-78 Miami Valley Radiotelephone (KLF577). C.P. for additional facilities to operate on 35.22 MHz at a new site described as Loc. 12: Experiment Farm Road at the city limits, Troy, Ohio.

21367-CD-P-(4)-78 The Ohio Bell Telephone Co. (new). C.P. for one-way station to operate on 152.84 MHz at four locations: Loc. No. 1, 1.9 miles west of Zanesville; Loc. No. 2, 1.3 miles east (106°) of Co-shoction; Loc. No. 3, 1.3 miles northeast of Marietta; Loc. No. 4, on Valley View Drive, West adjacent to the Ironton Water Works filtration plant, 0.6 miles north of Ironton, Ohio.

21368-CD-P-78 The Ohio Bell Telephone Co. (KWU264). C.P. for additional facilities to operate on 158.10 MHz at a new site described as Loc. No. 8: Bell Road and northwest corner of State Route 68, 3.7 miles southeast of Xenia, Ohio.

21369-CD-P-78 The Ohio Bell Telephone Co. (new). C.P. for a new one-way station to operate on 152.84 MHz; 429 Wayne Street, Sandusky, Ohio.

21370-CD-P-(3)-78 The Ohio Bell Telephone Co. (new). C.P. for a new one-way station to operate on 158.84 MHz at three locations: Loc. No. 1, Wilson Avenue, 2.2 miles south-southwest of Steubenville; Loc. No. 2, Kirkwood Height Road, 1.05 miles south-southwest of Bridgeport, and Loc. No. 3, 49211 Oakmount Avenue, East Liverpool, Ohio.

21371-CD-P-(2)-78 Southern Bell Telephone & Telegraph Co. (KIF654). C.P. to

change antenna system and replace transmitter operating on 157.89, 157.95 (test); 81 St. Philip Street, Charleston, S.C.

21372-CD-P-78 Tel-Rad Message Center (new). C.P. for a new one-way station to operate on 152.24 MHz; Shawangunk Mountain, Middletown, N.Y.

21373-CD-P-(3)-78 J.M. Blodgett d.b.a. Radio Page Communications (new). C.P. for a new two-way station to operate on 35.34, 35.42, 35.54 MHz; Brighton Towers Apartment, 2834 Atlantic Avenue, Atlantic City, N.J.

21374-CD-P-(2)-78 Collins Radio Communication Corp. (new). C.P. for a new two-way station to operate on 454.350 MHz (base), 459.100 MHz (repeater); 6.5 miles north-northwest of Sundance (on Warren Peak), Wyo.

21375-CD-P-(3)-78 Collins Radio Communications Corp. (KUO574). C.P. for additional facilities to operate on 454.100 MHz (control), 3 miles east and 0.25 mile north of intersections Wyoming 59 and Highway 16, Gillette at Loc. No. 1; 454.350 MHz (base), 454.100 MHz (repeater) at Loc. No. 2: North Pumpkin Butte, 41 miles south-southwest of Gillette, Wyo.

Collins Radio Communication Corp. (new). C.P. for a new two-way station to operate on 454.200 MHz; 3 miles east and ¼ mile north of Wyoming 59 and 16 intersection, Gillette, Wyo.

21377-CD-P-(3)-78 RCC of Virginia, Inc. (KIY394). C.P. for additional facilities to operate on 454.050, 459.050 MHz at Loc. No. 1: John Marshall Hotel, 6th and Franklin Street, Richmond; 454.025, 454.075 MHz at a new site described as Loc. No. 4: Lexington Towers Building, Adams and Franklin Streets, Richmond, Va.

21378-CD-P-(2)-78 Airtel International of Philadelphia, Pa., Inc. (KGC223). C.P. for additional facilities to operate on 43.22 MHz at Loc. No. 5: Horseshoe Trail and Country, Phoenixville; 35.22 MHz at a new site described as Loc. No. 12: Mount Clement, Pine Hill, N.J.

21379-CD-P-78 DPRS, Inc. t/a Zip-Call (KCB890). C.P. to relocate facilities operating on 43.38 MHz from Loc. No. 8 to a new site described as Loc. No. 25: 2,000 feet east of Union Street and North of Route No. 6, Yarmouth, Mass.

21380-CD-P-78 George E. Kitchen d.b.a. Total Communications (new). C.P. for a new one-way station to operate on 152.24 MHz; On Route 12, 1.4 miles east of Coldwater, Mich.

21381-CD-P-78 Gulf Central Communications & Electronic, Inc. (KLF621). C.P. to change antenna system and relocate facilities operating on 158.70 MHz at Loc. No. 2 to be located Arceneaux Road 0.2 mile east of Louisiana No. 92 and 1.3 miles south of U.S. No. 90, 0.8 mile west of city limits of Lafayette, La.

21382-CD-P-78 Paging, Inc. (KWT884). C.P. to change antenna system operating on 158.70 MHz at Loc. No. 1: Price Mountain, 3.5 miles southwest of Blacksburg, Va.

21384-CD-ML-78 Gulf Mobilphone Alabama, Inc. (KTS205). License to change 454.200 and 454.300 MHz to 454.225 and 454.275 MHz; 1296 First National Bank Building, Mobile, Ala.

21391-CD-TC-(2)-78 Terre Haute Communications, Inc. Consent to transfer of control from Certified Communications, Inc., transferor, to Paul D. Jones, transferee, Stations KSB655 and KUS291, Terre Haute, Ind.

- 21392-CD-TC-(3)-78 Certified Communications, Inc. Consent to transfer of Control from Paul D. Jones and O. L. Hale, transferor, to GCS of Missouri, Inc., transferee. Stations: KRS635, KAD925, St. Louis, and KAF240, Clayton, Mo.
- 21393-CD-P-(2)-78 Southern Ohio Communications Services, Inc. (new). C.P. for a new two-way station to operate on 454.300, 454.325 MHz: Jasper Knob, 1 mile southwest of Jasper, Ohio.
- 21394-CD-P-78 Radiofone of Georgia, Inc. (KSV958). C.P. to change antenna system and replace transmitter operating on 152.24 MHz: Corner Dewey and Wilson Avenue, Albany, Ga.
- 21395-CD-P-(2)-78 Sully Buttes Telephone Cooperative, Inc. (KDS995). C.P. to change antenna system operating on 152.60 and 152.66 MHz: 4 miles east 0.5 mile south of Onida, S. Dak.
- 21396-CD-AL-(2)-78 Robert J. Whitney, d.b.a. Rapid Answering Service. Consent to assignment of license from Robert J. Whitney d.b.a. Rapid Answering Service, assignor, to Rapid Answering Service, Inc., assignee. Stations: KSV900, KDS485, Big Rapids, Mich.
- 21403-CD-P-78 Southern Ohio Communication Services, Inc. (new). C.P. for a new one-way station to operate on 158.70 MHz: Jasper Knob, 1 mile southwest of Jasper, Ohio.
- 21404-CD-P-(4)-78 Radiofone of Georgia, Inc. (KIR202). C.P. to change antenna system, replace transmitter, and relocate facilities operating on 152.03 from Loc. 1, and 152.12, 152.15, and 152.21 MHz from Loc. No. 2 to a new Loc. No. 1: 400 North Monroe Street, Albany, Ga.

MAJOR AMENDMENT

- 20745-CD-P-(2)-78 Radio Call, Inc. (KSV932). Amend to change the location and antenna height. Previously reported on PN No. 896, dated February 6, 1978. All other particulars to remain the same.
- 20786-CD-P-(18)-78 Digital Paging System, Inc. (new). Amend to change base station frequency to 35.34 MHz at all locations. All other particulars to remain as reported on PN No. 897 dated February 13, 1978.

Renewal of Licenses expiring July 1, 1978.
TERM: July 1, 1978 to July 1, 1983

- General Telephone Co. of Pennsylvania, KGC227, Pennsylvania.
- General Telephone Co. of Pennsylvania, KLF530, Pennsylvania.
- General Telephone Co. of Pennsylvania, KWU386, Pennsylvania.
- General Telephone Co. of Pennsylvania, KGI776, Pennsylvania.
- General Telephone Co. of Pennsylvania, KGI779, Pennsylvania.
- General Telephone Co. of Pennsylvania, KLF501, Pennsylvania.
- General Telephone Co. of Pennsylvania, KTR988, Pennsylvania.
- General Telephone Co. of Pennsylvania, KGI783, Pennsylvania.
- General Telephone Co. of The Midwest, KBM524, Iowa.
- General Telephone Co. of The Midwest, KBM509, Iowa.
- General Telephone Co. of The Midwest, KFL861, Iowa.
- General Telephone Co. of The Midwest, KBM525, Iowa.
- General Telephone Co. of The Midwest, KBM529, Iowa.
- General Telephone Co. of The Midwest, KBM526, Iowa.

- General Telephone Co. of The Midwest, KBM527, Iowa.
- General Telephone Co. of The Midwest, KAQ620, Iowa.
- General Telephone Co. of The Midwest, KDT204, Missouri.
- General Telephone Co. of The Midwest, KLF642, Missouri.
- General Telephone Co. of The Midwest, KFL954, Nebraska.
- General Telephone Co. of The Midwest, KQZ729, Nebraska.
- General Telephone Co. of California, KJU806, California.
- General Telephone Co. of California, KLF497, California.
- General Telephone Co. of California, KLF543, California.
- General Telephone Co. of California, KMA609, California.
- General Telephone Co. of California, KMD981, California.
- General Telephone Co. of California, KME440, California.
- General Telephone Co. of California, KMM593, California.
- General Telephone Co. of California, KMM617, California.
- General Telephone Co. of California, KMM618, California.
- General Telephone Co. of California, KMM632, California.
- General Telephone Co. of California, KMM654, California.
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- General Telephone Co. of California, KMM668, California.
- General Telephone Co. of California, KMM687, California.
- General Telephone Co. of California, KMM698, California.
- General Telephone Co. of California, KMM709, California.
- General Telephone Co. of California, KQZ711, California.
- General Telephone Co. of California, KQZ779, California.
- General Telephone Co. of California, KSV982, California.
- General Telephone Co. of California, KSV984, California.
- General Telephone Co. of California, KUH300, California.
- General Telephone Co. of California, KUA303, California.
- General Telephone Co. of California, KUA304, California.
- United Inter-Mountain Telephone Co., KIY784, Tennessee.
- United Inter-Mountain Telephone Co., KWA639, Tennessee.
- United Inter-Mountain Telephone Co., KFL945, Tennessee.
- United Inter-Mountain Telephone Co., KGI275, Tennessee.
- United Telephone Co. of the Carolinas, Inc., KIA 961, South Carolina.
- United Telephone Co. of the Carolinas, Inc., KIY722, North Carolina.
- United Telephone Co. of Indiana, Inc., KSJ618, Indiana.
- United Telephone Co. of Indiana, Inc., KWU209, Indiana.
- United Telephone Co. of Indiana, Inc., KWU210, Indiana.

- United Telephone Co. of Indiana, Inc., KWU218, Indiana.
- Hawaiian Telephone Co., KLF527, Hawaii.
- Hawaiian Telephone Co., KRM978, Hawaii.
- Hawaiian Telephone Co., KUA220, Hawaii.
- Hawaiian Telephone Co., KUA216, Hawaii.
- Hawaiian Telephone Co., KUA221, Hawaii.
- Hawaiian Telephone Co., KUA222, Hawaii.
- Hawaiian Telephone Co., KWU511, Hawaii.
- Rodeo Telephone, Inc., KWU354, Nebraska.
- Rodeo Telephone, Inc., KWU355, Nebraska.
- The Monon Telephone Co., Inc., KWU237, Indiana.
- The Monon Telephone Co., Inc., KWT980, Indiana.
- Kaplan Telephone Co., KDS374, Louisiana.
- Kaplan Telephone Co., Inc., KWU529, Louisiana.
- Rural Telephone Service Co., Inc., KWT924, Kansas.
- Rural Telephone Service Co., Inc., KWU522, Kansas.
- Rural Telephone Service Co., Inc., KAF641, Kansas.
- Rural Telephone Service Co., Inc., KAQ636, Kansas.
- New Jersey Bell Telephone Co., KAA891, New Jersey.
- New Jersey Bell Telephone Co., KEA761, New Jersey.
- New Jersey Bell Telephone Co., KEA767, New Jersey.
- New Jersey Bell Telephone Co., KEA853, New Jersey.
- New Jersey Bell Telephone Co., KEK277, New Jersey.
- New Jersey Bell Telephone Co., KSV936, New Jersey.
- New Jersey Bell Telephone Co., KSW207, New Jersey.
- Elyria Telephone Co., KQK581, Ohio.
- Mid-Carolina Telephone Co., KIY787, North Carolina.
- Mid-Penn Telephone Corp., KGI267, Pennsylvania.
- Mid-Penn Telephone Corp., KLF545, Pennsylvania.
- Midstate Telephone Corp., KGI773, New York.
- Home Telephone Co., KWT872, Indiana.
- Burdett Telephone Co., Inc., KDT214, Kansas.
- East Otter Tail Telephone Co., KWT928, Minnesota.
- Western Iowa Telephone Association, KUS304, Iowa.
- Cumberland Telephone Co., KWU524, Iowa.
- Farmers' Mutual Telephone Co., KBM520, Iowa.
- Woodward Mutual Telephone Co., KWU490, Iowa.
- Gulf Telephone Co., KIB528, Alabama.
- Rock Hill Telephone Co., KIY596, South Carolina.
- Lancaster Telephone Co., KFL940, South Carolina.
- Wood County Telephone Co., KSD680, Wisconsin.
- Midstate Telephone Corp., KEJ892, New York.
- North Florida Telephone Co., KIK577, Florida.
- South Carolina Telephone Corp., KIY762, South Carolina.
- South Carolina Telephone Corp., KIY781, South Carolina.
- Western Reserve Telephone Co., KUC973, Ohio.
- Millington Telephone Co., Inc., KIY442, Tennessee.
- Union Springs Telephone Co., Inc., KBJ889, Alabama.
- Shenandoah Telephone Co., KIY770, Virginia.

- Wyoming Telephone Co., Inc., KUS376, Wyoming.
- McDonough Telephone Cooperative, KSJ766, Illinois.
- Northern States Power Co., KLF615, North Dakota.
- Mid-State Telephone Co., KUS374, Minnesota.
- Midway Telephone Co., KSU753, Wisconsin.
- Badger State Telephone Co., KUS329, Wisconsin.
- Bonduel Telephone Co., KUS279, Wisconsin.
- Fennimore Telephone Co., KWT854, Wisconsin.
- Central State Telephone Co., KUS253, Wisconsin.
- Central State Telephone Co., KUS257, Wisconsin.
- Mount Vernon Telephone Co., KUC863, Wisconsin.
- Mount Vernon Telephone Co., KUC854, Wisconsin.
- Dodge County Telephone Co., KWH346, Wisconsin.
- Dodge County Telephone Co., KUS381, Wisconsin.
- Burlington, Brighton & Wheatland Telephone Co., KUO636, Wisconsin.
- Scandinavia Telephone Co., KUS264, Wisconsin.
- Mid-State Telephone Co., KUC940, Minnesota.
- North Central Telephone Cooperative, Inc., KWA656, Tennessee.
- Interstate Telephone Co., KIQ512, Alabama.
- Plant Telephone & Power Co., Inc., KRS711, Georgia.
- Plant Telephone & Power Co., Inc., KIY398, Georgia.
- Mountain Home Telephone Co., Inc., KLB773, Arkansas.
- La Crosse Telephone Corp., KRS631, Wisconsin.
- La Crosse Telephone Corp., KSJ806, Wisconsin.
- Evergreen Telephone Co., KOP247, Washington.
- Evergreen Telephone Co., KOP248, Washington.
- Home Telephone Co., KLF624, Mississippi.
- Clara City Telephone Exchange Co., KFL948, Minnesota.
- Clear Lake Independent Telephone Co., KFL913, Iowa.
- Churchill County Telephone & Telegraph System, KOP264, Nevada.
- Clarks Telephone Co., KSW208, Nebraska.
- Citizens Utilities Co. of California, KUD224, California.
- Citizens Utilities Co. of California, KMM707, California.
- Citizens Utilities Co. of California, KMM708, California.
- Citizens Utilities Co. of California, KRS654, California.
- Citizens Utilities Co. of California, KSV892, California.
- Citizens Utilities Co. of California, KSV912, California.
- Citizens Telephone Co., Inc., KAF257, Georgia.
- The Chillicothe Telephone Co., KQK709, Ohio.
- Charlton Valley Telephone Corp., KDT220, Missouri.
- Central Telephone Co., KFJ882, North Carolina.
- Central Telephone Co., KIB386, North Carolina.
- Central Telephone Co., KFL926, North Carolina.
- Central Telephone Co., KIY598, North Carolina.
- Central Telephone Co., KRM956, North Carolina.
- Central Telephone Co., KIY735, North Carolina.
- Colton Telephone Co., KOK339, Oregon.
- Farmers Telephone Cooperative, Inc., KIJ355, South Carolina.
- Farmers Telephone Cooperative, Inc., KIY582, South Carolina.
- Farmers Telephone Cooperative, Inc., KIY756, South Carolina.
- North-West Telephone Co., KSJ614, Wisconsin.
- North-West Telephone Co., KSJ751, Wisconsin.
- North-West Telephone Co., KSJ752, Wisconsin.
- Norman County Telephone Co., Inc., KWT997, Minnesota.
- Norman County Telephone Co., Inc., KTS251, Minnesota.
- The Conestoga Telephone & Telegraph Co., KUS323, Pennsylvania.
- The Conestoga Telephone & Telegraph Co., KGI769, Pennsylvania.
- The Conestoga Telephone & Telegraph Co., KGI771, Pennsylvania.
- The Conestoga Telephone & Telegraph Co., KWT850, Pennsylvania.
- DeKalb Telephone Cooperative, Inc., KIY411, Tennessee.
- Delcambre Telephone Co., Inc., KKQ968, Louisiana.
- Dunkirk and Fredonia Telephone Co., KUC923, New York.
- Eagle Valley Telephone Co., KDT221, Colorado.
- Ellensburg Telephone Co., KON907, Washington.
- Evans Telephone Co., KMM961, California.
- East Ascension Telephone Co., Inc., KKT569, Louisiana.
- Filer Mutual Telephone Co., KLF466, Idaho.
- Fidelity Telephone Co., KDN401, Missouri.
- Foresthill Telephone Co., KMM619, California.
- Fort Bend Telephone Co., KLB615, Texas.
- Halstad Telephone Co., KAI932, Minnesota.
- Ganado Telephone Co., Inc., KLB600, Texas.
- Coleman County Telephone Cooperative, Inc., KLB318, Texas.
- Coastal Utilities, Inc., KIY723, Georgia.
- Coastal Utilities, Inc., KWH320, Georgia.
- Lafourche Telephone Co., Inc., KKM250, Louisiana.
- Lafourche Telephone Co., Inc., KQZ731, Louisiana.
- Lewisport Telephone Co., Inc., KFL874, Kentucky.
- The Lincoln County Telephone Systems, Inc., KWT859, Nevada.
- Mashell Telephone Co., Inc., KRS638, Washington.
- Mid-Missouri Telephone Co., KFL925, Missouri.
- The Murraysville Telephone Co., KGH869, Pennsylvania.
- Monroeville Telephone Co., Inc., KGI279, Alabama.
- Headwaters Telephone Co., KSD681, Wisconsin.
- Nocona Telephone Co., KLB696, Texas.
- Iiwaco Telephone Co., KSV897, Washington.
- Eastern Oregon Telephone Co., KFL944, Oregon.
- Clifton Forge-Waynesboro Telephone Co., KQZ730, Virginia.
- Clifton Forge-Waynesboro Telephone Co., KUS249, Virginia.
- Kerrville Telephone Co., KFJ892, Texas.
- Kerman Telephone Co., KME434, California.
- Jefferson Telephone Co., KAA691, Iowa.
- Inland Telephone Co., KUC955, Washington.
- Hardin County Telephone Co., KUC984, Illinois.
- Hillsborough and Montgomery Telephone Co., KEJ890, New Jersey.
- Haviland Telephone Co., Inc., KAK634, Kansas.
- Haviland Telephone Co., Inc., KAK646, Kansas.
- Garden Valley Telephone Co., KFL866, Minnesota.
- Garden Valley Telephone Co., KGI280, Minnesota.
- Eastern Illinois Telephone Corp., KWU440, Illinois.
- Eastern Illinois Telephone Corp., KSC869, Illinois.
- Harrisonville Telephone Co., KRH641, Illinois.
- Harrisonville Telephone Co., KSJ819, Illinois.
- The Tri-County Telephone Association, Inc., KUC913, Kansas.
- Public Service Telephone Co., KWU537, Georgia.
- Public Service Telephone Co., KFJ884, Georgia.
- Rhineland Telephone Co., KLF637, Wisconsin.
- The Plain Dealing Telephone Co., Inc., KLB567, Louisiana.
- Northwestern Telephone Co., KSJ814, Illinois.
- Northwestern Telephone Co., KWT858, Illinois.
- Sunflower Telephone Co., Inc., KAK651, Kansas.
- Sunflower Telephone Co., Inc., KAK652, Kansas.
- Sunflower Telephone Co., Inc., KAK653, Kansas.
- Grand River Mutual Telephone Corp., KAH668, Missouri.
- Grand River Mutual Telephone Corp., KBM517, Missouri.
- Grand River Mutual Telephone Corp., KBM518, Missouri.
- Grand River Mutual Telephone Corp., KBM519, Iowa.
- Mid-Michigan Telephone Corp., KQK774, Michigan.
- Mid-Michigan Telephone Corp., KQK780, Michigan.
- Sleepy Eye Telephone Co., KWT913, Minnesota.
- Sioux Valley Telephone Co., KWU283, South Dakota.
- Rossville Telephone Co., KSJ802, Illinois.
- San Marcos Telephone Co., Inc., KLB717, Texas.
- E. Ritter Telephone Co., KKT404, Arkansas.
- Red River Rural Telephone Association, KUS301, North Dakota.
- Redfield Telephone Co., Inc., KLB515, Arkansas.
- Prairie Grove Telephone Co., KLB622, Arkansas.
- Pond Branch Telephone Co., Inc., KRH677, South Carolina.
- Platteville Telephone Co., KSJ826, Wisconsin.
- Pioneer Telephone Cooperative, KOK340, Oregon.
- Penasco Valley Telephone Cooperative, Inc., KEK282, New Mexico.
- Orwell Telephone Co., KLF475, Ohio.
- Oregon Telephone Corp., KOK332, Oregon.

United Telephone Association, Inc., KDT217, Kansas.
 Johnson Telephone Co., KSW206, Minnesota.
 The Marne & Elk Horn Telephone Co., KWT847, Iowa.
 Mutual Telephone Co., KUC901, Iowa.
 Sweeny-Old Ocean Telephone Co., KLB574, Texas.
 Midwest Telephone Co., Inc., KWU367, Indiana.
 Midwest Telephone Co., Inc., KSJ613, Indiana.
 Midwest Telephone Co., Inc., KSJ825, Indiana.
 Northeast Louisiana Telephone Co., Inc., KLF511, Louisiana.
 Northeast Louisiana Telephone Co., Inc., KUS357, Louisiana.
 Northwestern Indiana Telephone Co., Inc., KSJ622, Indiana.
 North Pittsburgh Telephone Co., KGH862, Pennsylvania.
 Northern Iowa Telephone Co., KWT871, Iowa.
 The North-Eastern Pennsylvania Telephone Co., KGH856, Pennsylvania.
 Nevada Telephone-Telegraph Co., KQZ763, Nevada.
 Monroe County Telephone Co., KSJ754, Wisconsin.
 Rochester Telephone Co., Inc., KSJ623, Indiana.
 Graceba Telephone Co., KWH342, Alabama.
 Ringgold Telephone Co., KIY759, Georgia.
 Lorain Telephone Co., KQA649, Ohio.
 Mankato Citizens Telephone Co., KAF247, Minnesota.
 The Northeastern Telephone Co., KSV930, Nebraska.
 Urban Telephone Corp., KSJ805, Wisconsin.
 General Telephone Co. of the Southeast, KSV945, Alabama.
 General Telephone Co. of the Southeast, KSW212, Alabama.
 General Telephone Co. of the Southeast, KRS713, Tennessee.
 General Telephone Co. of the Southeast, KSV896, Tennessee.
 General Telephone Co. of the Southeast, KIY396, Georgia.
 General Telephone Co. of the Southeast, KEK299, Georgia.
 General Telephone Co. of the Southeast, KRH662, North Carolina.
 General Telephone Co. of the Southeast, KQZ706, North Carolina.

RURAL RADIO SERVICE

60239-CR-P-78 J. M. Blodgett d.b.a. Radio Page Communications (new). C.P. for a new Rural Subscriber station to operate on 43.34, 43.42, 43.54 MHz to be located at any temporary fixed location within the territory of the grantee.

POINT TO POINT MICROWAVE RADIO SERVICE

NY-2149-CF-P-78 Eastern Microwave, Inc. (KFN 21). NYC-GWB, 15 Columbus Circle, New York, N.Y. (Lat. 40° 46' 09" N., Long. 73° 58' 55" W.): Construction permit to add 6212.0H MHz toward Yonkers, N.Y.
 OH-2000-CF-P-78 Tower Communication Systems Corp. (WCT 906). Columbus ATC, 1 mile northwest of Alum Creek Road and Refugee Road, Columbus, Ohio (Lat. 39° 55' 42" N., Long. 82° 56' 11" W.): Construction permit to add 11625.0V, 11305.0V, and 11545.0V MHz toward Columbus KBLE, via power split and 11225.0V and 11465.0V MHz toward same point, on azimuth 326.8° and to correct coordinates.

MI-2201-CF-MP-78 American Microwave & Communications, Inc. (KYO 48). 2.0 mile southeast of Perrinton, Mich. (Lat. 43° 09' 36" N., Long. 84° 39' 14" W.): Construction permit to add 6345.5V MHz toward Greenville, Mich., via power split.
 NH-2207-CF-MP-78 Yankee Microwave (KYZ 85). Mt. Washington, Mt. Washington Summit, Sargents Purchase, N.H. (Lat. 44° 16' 13" N., Long. 71° 18' 13" W.): Construction permit to add 5960.0V MHz toward Mt. Mansfield, Vt., via power split and to add 6078.6V MHz toward same point on azimuth 283.8° and to replace transmitter(s) toward existing points of communication.
 VT-2208-CF-P-78 Yankee Microwave (new). Mt. Mansfield, Stowe, Vt. (Lat. 44° 31' 36" N., Long. 72° 48' 57" W.): Construction permit for new station—6197.2H and 6256.2H MHz toward Barre, Vt., on azimuth 142.6°.
 CA-2237-CF-P/ML-78 The Pacific Telephone & Telegraph Co. (KMB 68). Mt. Wilson, Video Road, Mount Wilson, Calif. (Lat. 34° 13' 34" N., Long. 118° 03' 58" W.): Construction permit and modification of license to add 10735.0H MHz toward Glendale TV, Calif., on azimuth 250.2°.
 CO-2250-CF-P-78 Mountain Microwave Corp. (KBI 22). Almagre Mt., 8 miles west of Broadmoor, Colo. (Lat. 38° 46' 21" N., Long. 104° 59' 32" W.): Construction permit to add 6137.9V and 6167.6H MHz toward Brookside, Colo., on azimuth 203.3°.
 DTF-2251-CF-R-78 Hawaiian Telephone Co. (KUQ 93). Temporary fixed-developmental, Application for renewal of radio station license.
 DFX-2280-CF-R-78 General Telephone Co. of Florida (WHU 40). Fixed developmental within the territory of the grantee. Application for renewal of radio station license.
 WA-2311-CF-P-78 American Television & Communications Corp. (WBO 60). 1611 18th Street, Seattle, Wash. (Lat. 47° 36' 57" N., Long. 122° 18' 27" W.): Construction permit to add 6004.5V MHz toward Squak Mountain, Wash., on azimuth 121.9°.
 MO-2177-CF-P-78 Southwestern Bell Telephone Co. (KZI35). St. Louis 2, 2651 Olive Street, St. Louis (St. Louis City), Mo. Lat. 38° 38' 01" N., Long. 90° 12' 55" W. C.P. to add frequency 6286.2H MHz, add receive antennas on frequency 6390V MHz, and move and replace antennas on frequency 11665V toward Alton, Mo.
 NE-2189-CF-P-78 American Telephone & Telegraph Co. (KAC58). 4.8 miles northwest of North Bend (Dodge), N.J. Lat. 41° 31' 24" N., Long. 96° 50' 55" W. C.P. to add frequency 4170V MHz toward Arlington, Nebr.
 NE-2190-CF-P-78 Same (KAC59). 2.9 miles southeast of Arlington (Washington), Nebr. Lat. 41° 25' 32" N., Long. 96° 18' 36" W. C.P. to add frequency 4130H MHz toward Omaha, Nebr.
 IA-2190-CF-P-78 Same (KAS44). 5 miles west southwest of Hampton (Franklin), Iowa, Lat. 42° 42' 55" N., Long. 93° 17' 27" W. C.P. to change polarization from H to V on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz toward Radcliff, Iowa.
 IA-2192-CF-P-78 Same (KAS43). 1 mile south southeast of Radcliff (Hardin), Iowa, Lat. 42° 18' 06" N., Long. 93° 25' 22" W. C.P. to change polarization from H to V on frequencies 3750, 3830, 3910, 3990,

4070, and 4150 MHz., change V to H on frequencies 4010, 4090, 4170, and 3930H MHz toward Hampton, Iowa.
 IA-2193-CF-P-78 Same (KAA65). 2 miles east northeast of Homestead (Iowa), Iowa, Lat. 41° 45' 38" N., Long. 91° 50' 45" W. C.P. to replace antennas on frequency 3870V MHz toward Cedar Rapids, Iowa.
 IL-2176-CF-P-78 Illinois Bell Telephone Co. (KVU32). 213 Third Street, Alton (Madison), Ill. Lat. 38° 53' 25" N., Long. 90° 10' 56" W. C.P. to add frequency 6034.2V MHz and move and replace antennas on frequency 6137.9H MHz toward St. Louis 2, Ill.
 AR-2109-CF-P-78 Southwestern Bell Telephone Co. (WCU235). Missouri and Chicago Streets, Caraway (Craighead) Ark. Lat. 35° 45' 44" N., Long. 90° 18' 55" W. C.P. to add a new point of communication on frequencies 2112H MHz on azimuth 015.2° toward Leachville, Ark., 2118.4H MHz on azimuth 045.7° toward Manila, Ark. and 2128H MHz on azimuth 350.3° toward Monette, Ark.
 FL-2202-CF-P-78 General Telephone Co. of Florida (new). Tampa East, 3401 Orient Road, Tampa (Hillsborough), Fla. Lat. 27° 58' 26" N., Long. 82° 22' 21" W. C.P. for a new station on frequencies 10755V and 10835V MHz on azimuth 252.5° toward Tampa, Fla.
 FL-2203-CF-P-78 Same (KIL88). 519 Zack Street, Tampa (Hillsborough), Fla. Lat. 27° 57' 01" N., Long. 82° 27' 24" W. C.P. to add a new point of communication on frequencies 11285V and 11364V MHz on azimuth 72.5° toward Tampa East, Fla.
 AR-2216-CF-P-78 Boone County Telephone Co. (new). 1.2 miles Southeast of Harrison (Boone), Ariz. Lat. 36° 12' 53" N., Long. 93° 04' 43" W. C.P. for a new station on frequency 6152.8H MHz on azimuth 79.5° toward Summit, Ariz.
 AR-2217-CF-P-78 Same (new). 2.0 miles north-northeast of Summit (Marion), Ark. Lat. 36° 16' 27" N., Long. 92° 40' 37" W. C.P. for a new station on frequencies 6404.8H MHz on azimuth 259.8° toward Harrison, Ark., and 6226.9H MHz on azimuth 71.5° toward Mountain Home, Ark.
 MN-2220-CF-P-78 Northwestern Bell Telephone Co. (KAS70). 224 South 5th Street, Minneapolis (Hennepin) Minn. Lat. 44° 58' 39" N., Long. 93° 15' 59" W. C.P. to add frequencies 6241.7H and 6301H MHz on azimuth 189.0° toward New Market, Minn.
 MN-2221-CF-P-78 Same (KBL97). 4 miles north of New Market (Scott), Minn. Lat. 44° 37' 49" N., Long. 93° 20' 35" W. C.P. to add frequencies 5945.2V, 6123.1V MHz on azimuth 125.6° and replace antennas on frequencies 6034.2H and 6152.8H MHz toward Hader, Minn.; add frequencies 6078.6H, 6137.9H MHz on azimuth 9.0° toward Minneapolis, Minn.; replace antennas on frequencies 6004.5V and 6123.1V MHz on azimuth 29.3° toward St. Paul, Minn., and correct coordinates.
 MN-2222-CF-P-78 Same (KBL99). 1.2 miles west of Hader (Goodhue), Minn. Lat. 44° 21' 56" N., Long. 92° 49' 46" W. C.P. to add frequencies 6226.9V and 6286.2V MHz or azimuth 305.9°, replace antennas on frequencies 6256.5H, 6375.2H MHz toward New Market, Minn.; add frequency 6345.5V MHz, replace transmitters and antennas on frequency 6226.9V MHz, replace antennas on frequencies 6286.2V and 6404.8V MHz toward North Rochester, Minn., and 6241.7H, 6301H, 6360.3H MHz toward East Owatonna, Minn.

MN-2223-CF-P-78 Northwestern Bell Telephone Co. (KBL83). North Rochester, 5 miles north-northeast of Rochester (Olmsted), Minn. Lat. 44°05'34" N., Long. 92°29'04" W. C.P. to add frequency 5945.2V MHz, replace transmitters and receive antennas on frequency 6063.8V MHz, replace receive antennas on frequency 6004.5V, 6123.1V MHz toward Hader, Minn.; add frequencies 11325H and 11485H MHz toward Rochester, Minn.

MN-2224-CF-P-78 Northwestern Bell Telephone Co. (KVU57). 200 Second Avenue SW., Rochester (Olmsted), Minn. Lat. 44°01'19" N., Long. 92°27'54" W. C.P. to add frequencies 11155V, 10835V MHz and change polarization from H to V on frequency 11075 MHz toward North Rochester.

KS-2225-CF-P-78 Southern Bell Telephone Co. (KAD26). Topeka Junction, third and Oakley, Topeda (Shawnee), Kan. Lat. 39°03'46" N., Long. 95°42'56" W. C.P. to add frequencies 6034.2V, 6152.8V, and 5974.8V MHz toward Oskaloosa, Kans.

KS-2226-CF-P-78 Same (KAD26). 4 miles south of Oskaloosa (Jefferson), Kans. Lat. 39°09'31" N., Long. 95°19'33" W. C.P. to add frequencies 6286.2H, 6404.8H, and 6226.9H MHz toward Topeka Junction, Kans., add a new point of communication on frequencies 6286.2V, 6404.8V, 6256.5H, 6375.2H MHz on azimuth 060.6°, Leavenworth, Kans., and 6286.2H, 6345.5H, 6404.8H, 6226.9H MHz on azimuth 159.6° toward Lawrence, Kans., also increase structure height.

KS-2227-CF-P-78 Same (new). 2.7 miles west of Leavenworth (Leavenworth), Kans. Lat. 39°19'01" N., Long. 94°57'46" W. C.P. for a new station on frequencies 6034.2H, 6152.8H, 6004.5V, and 6123.1V MHz on azimuth 240.8° toward Oskaloosa, Kans., 11055V, 10895V, MHz on azimuth 280.0° toward Easton, Kans., 6034.2V, 6093.5V, 6152.8V, 6004.5H, and 5974.8V MHz on azimuth 126.3° toward Kansas City, Kans.

MO-2228-CF-P-78 Same (KAC96). Kansas City Toll, 1425 Oak Street, Kansas City, (Jackson), Mo. Lat. 39°05'47" N., Long. 94°34'41" W. C.P. to increase structure height, decrease power and add a new point of communication on frequencies 6286.2H, 6345.5H, 6404.8H, 6256.5V, and 6226.9H MHz on azimuth 306.5° toward Leavenworth, Mo.

KS-2229-CF-P-78 Same (new). 714 Vermont, Lawrence (Douglas), Kans. Lat. 38°58'14" N., Long. 95°14'11" W. C.P. for a new station on frequencies 6034.2V, 6093.5V, 6152.8V, and 5974.8V MHz on azimuth 339.7° toward Oskaloosa, Kans.

KS-2230-CF-P-78 Same (new). 0.55 miles southwestern of Easton (Leavenworth), Kans. Lat. 39°20'20" N., Long. 95°07'28" W. C.P. for a new station on frequencies 11265V, 11585V, MHz on azimuth 099.9° toward Leavenworth, Kans., and 11265V, 11585V MHz on azimuth 003.0° toward Atchison, Kans.

KS-2231-CF-P-78 Same (new). 2 miles south of Atchison (Atchison), Kans. Lat. 39°30'57" N., Long. 95°06'45" W. C.P. for a new station on frequencies 11055V and 10895V MHz on azimuth 183.0° toward Easton, Kans.

PA-2277-CF-P-78 Bell Telephone Co. of Pennsylvania (WCG251). Rockview. 1.7 miles south-southwest of Pleasant Gap (Centre), Pa. Lat. 40°50'42" N., Long. 77°44'55" W. C.P. to move and replace antennas on frequencies 10795H, 11115H

MHz toward State College, Pa., and 5974.8H MHz toward Thick Mountain, Pa. AR-2247-CF-P-78 Northwestern Bell Telephone Co. (WQP87). SO end of Kenilworth Avenue, Fayetteville (Washington), Ark. Lat. 36°04'17" N., Long. 94°08'25" W. C.P. to add a new point of communication on frequency 6034.2H MHz on azimuth 002.9° toward Rogers, Ark.

AR-2248-CF-P-78 Same (new). 700 West Walnut, Rogers (Benton), Ark. Lat. 36°19'58" N., Long. 94°07'27" W. C.P. for a new station on frequency 6286.2V MHz on azimuth 182.9° toward Fayetteville, Ark.

AR-2255-CF-P-78 Mountain Home Telephone Co. (new). 0.1 mile northwest of Mountain Home, (Baxter) Ark. Lat. 36°20'55" N., Long. 92°24'02" W. C.P. for a new station on frequency 6004.5H MHz on azimuth 251.7° toward Summit, Ark.

[FR Doc. 78-14132 Filed 5-22-78; 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, on or before June 2, 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.: 10038-3.

Filing Party: Mr. John D. Straton, Jr., Director—Rates and Conferences, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Summary: Agreement No. 10038-3, between Empresa Lineas Maritimas Argentinas S.A. and Moore-McCormack Lines, Inc.,

modifies the basic cargo revenue pooling, sailing and equal access agreement in the United States-Argentina trades by incorporating therein provisions for the admission of additional U.S. flag or Argentine flag carriers, and extending the basic agreement, so modified, through August 31, 1978.

By Order of the Federal Maritime Commission.

Dated: May 17, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14333 Filed 5-22-78; 8:45 am]

[6730-01]

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, on or before June 12, 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.: 50-35.

Filing Party: F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, Calif. 94111.

Summary: Agreement No. 50-35, entered into among the member lines of the Pacific Coast-Australasian Tariff Bureau, would amend proposed new Article VII by inserting in the caption of said Article the words "and Tonnage" and by inserting in the text of said Article the following sentence to appear as the second sentence of said Article:

"The parties may also from time to time discuss and, by the same vote, agree upon

and implement reductions in numbers of vessels and/or tonnage to be provided by one or more of the parties."

Notice is also hereby given that a pre-effective amendment has been filed to Agreement No. 50-34 to delete therefrom (a) the words "and Tonnage" in the caption of proposed Article VII and (b) the second sentence thereof now being added to Article VII under Agreement No. 50-35. Notice of Agreement No. 50-34 appeared in the FEDERAL REGISTER of March 6, 1978, in Volume 43, No. 44, at Page 9204.

Agreement No.: T-3648.

Filing Party: Mr. David A. Schaller, Manager, Administration, Port Everglades Authority, P.O. Box 13136, Port Everglades, Fla. 33316.

Summary: Agreement No. T-3648, between Port Everglades Authority (Authority) and Seatrain Lines, Inc., (Seatrain), provides for the one-year lease of approximately one acre of land to be used in connection with the handling of containers. As compensation, Seatrain will pay \$596.10 per month, as land rent, plus applicable taxes, utility charges and tariff charges. Thirty days after Authority has received combined revenues of \$12,249.30 (based on \$4,500 for revenues from dockage and wharfage plus the annual land rent and one month's rent) and for each succeeding month, Authority will refund to Seatrain that month's land rent. In the event combined revenues exceed \$18,806.40, Authority will refund all land rent paid during the lease year not previously refunded. Seatrain has the option to lease additional land adjoining the above premises.

By Order of the Federal Maritime Commission.

Dated: May 17, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14334 Filed 5-22-78; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of title 46 CFR and section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet det Ostasiatiske Kompagn: Sinaloa.
01105	Tschudi & Eitzen: Teo 336-1.
01118	Hvalfangerselskapet Polaris A/S: Polaris.
01254	Aktieselskabet Havbor: Havmann.
01465	Scottish Ship Management Ltd: Cape Howe.
01466	Common Bros. (Management) Ltd: Hindustan.
01951	Astromandato Cia Naviera S.A.: Topaz.
01986	Aktiebolaget Transmarin: Inga, Marianna.
02156	Lorentzens Skibs A/S: Sally Stove.
02831	Endasa Shipping Co. Ltd.: Lasinda, Lissa.

Certificate No.	Owner/operator and vessels
02854	North Pacific Steamship Co.: Pacsun.
02877	Nippon Yusen K.K.: Tsuruga Maru.
02889	Showa Kalun K.K.: Yusho Maru.
02942	Seereederei Frigga Aktiengesellschaft: Baldur.
02955	Saronis Shipping Co. Ltd.: Saronis.
02956	Ashland Oil Inc.: St. Louis Zephyr.
02976	Arthur-Smith Corp.: J & S 4000.
03137	Cunard Steam-Ship Co. Ltd.: Lucellum, Mahout.
03214	Saleninvest AB: Ariel.
03216	Salenrederierna AB: Adriatic Wasa.
03231	Priam Compania Naviera S.A. Of Panama: North Lord.
03271	Sea Land Service, Inc.: SL-181, Elizabethport.
03294	Companhia de Navegacao Lloyd Brasileiro: Guarujá.
03365	Compania de Navegacion Puertanueva S.A.: Booker Voyager.
03389	Shell Tankers, B.V.: Keltia.
03315	Afran Transport Co.: Coral Sea.
03553	Skibs-A/S Nanset: Iver Swift.
03566	Skibsskibeselskabet Aino, Skibsskibeselskabet Viator, Skibsskibeselskabet Viva: Viva.
03733	Great Lakes Dredge & Dock Co.: Duplex.
03883	Ohio Barge Line Inc.: Barge Steel Rover, Barge OBL 1006, Steel Patriot, Steel Explorer, Steel Pioneer, Steel Clipper, Steel Trader, Steel Express, Steel Ranger, OBL 1016, OBL 1015, OBL 1013, OBL 1014, OBL 1012, OBL 1011, OBL 1010, A1, A2, 900, OBL 901, OBL 902, OBL 903, OBL 904, OBL 905, OBL 906, OBL 907, OBL 908, OBL 909, OBL 910, OBL 911, OBL 912, OBL 913, OBL 914, OBL 915, OBL 1004, OBL 916, OBL 917, OBL 918, OBL 919, OBL 920, OBL 921, OBL 922, OBL 923, OBL 924, OBL 925, OBL 926, OBL 927, OBL 928, OBL 1001, OBL 1002, OBL 1003, Barge OBL 1005, Barge OBL 1007, Barge OBL 1008, OBL 1009.
04357	Nedlloyd Lijnen B.V.: Nedlloyd Lelykerk.
04386	Maritime Co. of the Philippines: Mindanao.
05046	Magnolia Marine Transport Co.: MM-101.
05281	Slade Inc.: S-1511, HTCO. No. 50.
06077	Shinwa Shosen Kaisha Ltd.: Shinwa Maru.
06282	Avondale Shipyards, Inc.: Ito 3378, No. 5.
06510	Compagnie Nationale Algérienne de Navigation C.N.A.N.: Wahran.
06949	Mickie B. Jones: Yo 140.
06952	Far East Shipping Co., Ltd.: Silver Cardinal.
07404	Hanseatic Shipmanagement Ltd.: Cosmopolit.
07623	Dillingham Tug & Barge Corp.: DTB-10, DTB-9.
07623	Hawaiian Tug & Barge Co. Ltd.: DTB-40.
07661	Partrederiet For MS Montmorency: Montmorency.
07834	Ebro Trading Co., Inc.: Cape Blanco.
08175	Gunther Schulz Schullauer Schiffahrtskontor: Stockhorn, Seeland, Oeland.
08221	Aethra Shipping Co., Inc.: Aethra.
08786	Ore International Corp.: Lisa.
09002	Commercial Transport Corp.: J.A.R. 1.
09169	Zapata Ocean Resources, Inc.: Jacqueline A.
09197	Archipelago Marine Ltd.: Thera.
09279	Transmarittima Sarda Italmavi Flotte Riunite S.P.A.: Bordighera, Tito Campanella.
09855	K/S Bewa Xi: Lita Bewa.
09890	Sureness Navigation S.A.: Atlantic Trader.
10120	Sameit Skaugen-Offshore Supply Ships: Skautop.
10136	Oriental Armonia Vapor S.A.: Bela Rozo, Bela Nickerie.
10559	Bardal Shipping Co. S.A.: Alekos K.
10883	Amari Navigation Co. Ltd.: Amari.
10910	Naviera Peninsular S.A.: Azuero Dos.
11136	Sovereign Navigation Corp. Ltd.: Rowena.

Certificate No.	Owner/operator and vessels
11927	Sorsysin Compania Naviera S.A.: Costis.
11943	Nazca Marine Corp. of Panama: M. Alexander.
12041	Uiterwyk Corp.: Maria U.
12094	Dae Wang Fisheries Co. Ltd: No. 12 Dae Wang.
12214	Panama Plywood Corp.: El Ganso de Oro.
12217	Canadian National Railway Co.: Marine Cruiser.
12118	Adonis Shipping Corp.: Golden Crane.
13273	Inger Oil Corp., Inc.: IRS 103, IRS 102.
12288	Tsubata Sangyo K.K.: Takusei Maru No. 33.
12312	Paros Trade & Transport, Ltd.: Paros Trader.
12337	Patea Shipping Ltd.: South Star.
12352	Jovial Shipping Corp., Liberia: Pacific Glory, Hudson Bay, Pacific Pride, Oriental Merchant.
12374	Bayard Line (Maldives) Ltd.: Yuuta Maru.
12395	Pan World Shipping Co., S.A.: Fidelity.
12426	Anesis Shipping Co. S.A.: Rio Doro.
12463	Oyang Fisheries Co. Ltd.: Oyang No. 81, Oyang No. 88, Oyang No. 70, Oyang No. 8, No. 37 Oyang.
12805	Compagnie Generale d'Armements Maritimes: Saint Tropez.
12810	Schulauer Schiffscharter GmbH & Co. K.G.: Dalsland.
12824	Trotter Towing Corp.: Del Rio.
12925	Eastern Tanker Corp.: Sanko Gerd.
12962	Radiant Navigation Co., Ltd. S.A.: Bungaloon.
12999	Silverdee Shipping Ltd.: Silveravon.
13030	Societe Italo Congolaise d'Armement et Peche: Loango.
13075	Rolac Trading & Contracting Abdul Aziz al-Abdulla al-Suleiman & Co.: Dima.
13264	Glory Maritime Corp.: Blue Orion.
13275	Dafra Shipping, Inc.: Amerika.
13750	Aspera Compania Naviera S.A.: Fay C.
13778	Kommanditselskabet Scandinavian Partnerships II: Danstar.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14336 Filed 5-22-78; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet Det Ostasiatiske Kompagn: Sargoodha.
01152	Neptune Maritime Co. of Monrovia: Aeolus.
01185	Aksjeselskabet Kosmos: Janova.
01201	K/S A/S Lysetfjell & Co.: Bjorgheim.
01224	A/S Inger: Elin Horn.
01330	Shell Tankers (U.K.) Ltd.: Arianta, Arina.
01337	Marlin Management Trust (Reg.) Vaduz (Lichtenstein): Jurko Topic.
01340	Compagnie Auxilliaire de Navigation: Guenola.
01432	David Shipping Inc.: G. M. Livanos.
01544	Esso Societe Anonyme Francaise: Esso Bourgogne.

Certificate

No.	Owner/operator and vessels
01585	Sea Transport Corp.: <i>Eagle Traveler</i> .
01641	The Bank Line Ltd.: <i>Inverbank</i> .
01913	Compagnie Fabre/Societe Generale de Transports Maritimes: <i>Tarpon, Orque, Narval</i> .
01986	Aktiebolaget Transmarin: <i>Verna, Martina, Wilhelmina</i> .
01995	Rederi AB Disa: <i>Pacific Waa</i> .
02013	Granges AB: <i>FFM Vassjaure</i> .
02308	1/S Sirenes: <i>Fridtjof Nansen</i> .
02416	Boland & Corneliuss Inc.: <i>Buffalo</i> .
02453	The Turnbull Scott Shipping Co. Ltd.: <i>Waynegate</i> .
02472	Texasgulf Inc.: <i>Atlantic Sulphur No. 1</i> .
02506	The Sheaf Steam Shipping Co. Ltd.: <i>Sheaf Tyne</i> .
02526	Vespucio Compania Armadora S.A.: <i>Holy Trinity</i> .
02527	Astromarine Corp.: <i>Mount Athos</i> .
02528	Marfiei Compania Naviera S.A.: <i>Holy Cross</i> .
02775	Antilliana Delmar S.A.: <i>Santa Katerina</i> .
02908	Booker Merchantmen Ltd.: <i>Booker Venture</i> .
02976	Arthur-Smith Corp.: <i>LRL 111</i> .
03212	Amoco Shipping Co.: <i>Amoco New York</i> .
03222	Rederiet for M/S Antelope: <i>Antelope</i> .
03282	Matheson & Co., Ltd.: <i>Cairnsmore</i> .
03315	Afran Transport Co.: <i>Java Sea</i> .
03417	Dalen Reizo K.K.: <i>Daien Maru No. 18</i> .
03516	Toko Kaiun K.K.: <i>Toho Maru</i> .
03653	Trader Shipping Corp.: <i>Liberia: Uranus</i> .
03680	Murphy Pacific Marine Salvage Co.: <i>Cable, Curb, Gear, Rescue</i> .
03893	Skaarup Shipping Corp.: <i>Colon Brown</i> .
04004	Koninklijke Java-China-Paketsvaart Lijnen N.J.: <i>Straat Towa</i> .
04006	National Steel Corp. Steamship Division: <i>Ernest T. Weir</i> .
04020	Skips A/S Agnes: <i>Ronastar</i> .
04070	Frota Oceanic Brasileira S.A.: <i>Frota-vento</i> .
04387	Seatankers Inc.: <i>Universe Patriot</i> .
04396	Gypsum Carrier, Inc.: <i>Harry Lundeborg, Pacific Carrier</i> .
04519	Kabushi Kaisha Iijima Gyogyosho: <i>Iijimamaru No. 5</i> .
05046	Magnolia Marine Transport Co.: <i>MM-102</i> .
05209	Apostolos Andreas Shipping Co., Ltd.: <i>Aftadelos</i> .
05210	Protoapostolos Shipping Co., Ltd.: <i>Protoapostolos</i> .
05307	Nauru Local Government Council Shipping Agency: <i>Cenpac Rounder, Kolle D, Tyrphena</i> .
05469	Santarozza Navigation Co., Ltd.: <i>Alexandros</i> .
05537	Empresa Navegacion Mambisa: <i>Conrado Benitez, 30 de Noviembre, Jose Antonio Echeverria, Luis Arcos Bergnes</i> .
05607	Hannah Inland Waterways Corp.: <i>Hannah 2001, Hannah 2003</i> .
06059	Vrouldia Maritime Corp. S.A. Panama: <i>Marcos M.F.</i>
06165	Soponata-Sociedade Portuguesa de Navios Tanques, Limitada: <i>Fogo</i> .
06176	Melisitta Compania Naviera S.A.: <i>Melisitta</i> .
06195	Cameron Navigation Corp. Ltd.: <i>Linda</i> .
06282	Avondale Shipyards, Inc.: <i>ST 3</i> .
06429	Ta Cheng Marine Co. Ltd.: <i>Great Victory</i> .
06435	Dampskibsskieselskabet den Norske Afrika-og Australielinie, Wilhelmsens Dampskibsskieselskab, A/S Tansberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: <i>Tarn, Tonsberg</i> .
06449	A/S Dione: <i>Diskos</i> .
06473	Rakennustoimisto Jussi Ketola: <i>Finn Builder</i> .
06478	Korea Marine Industry Development Corp.: <i>Sea Dragon, Sea Dragon II, No. 302 Soogong, Tae Yang No. 15, Blue Fin II</i> .
06500	Austin Navigation Corp., Ltd.: <i>Norma</i> .
06505	Astir Navigation Co., Ltd.: <i>Anson</i> .
06514	Miradero Fishing Co., Inc.: <i>Enterprise</i> .
06578	Van Nievelt, Goudriaan & Co. B.V.: <i>Alcorab</i> .
06709	Ahjin Haewoon Jushik Hoesa: <i>Hanjin, Yongjin</i> .

Certificate

No.	Owner/operator and vessels
06797	Partenreedererei M/S Lotte Reith: <i>Lotte Reith</i> .
07172	Astrovista Armadora S.A., Panama: <i>Joanna</i> .
07188	Maritime Reefer Service, Inc.: <i>Sol Reefer</i> .
07205	Mist Corp.: <i>American Mist</i> .
07282	L.S. Joseph Shipping Co. (Liberia) Ltd.: <i>Anna K.</i>
07411	Arco Compania Naviera S.A.: <i>Provimi Star</i> .
07415	Navegantes Universal S.A.: <i>Courageous Colocotronis</i> .
07553	Skitones Enterprises, Ltd.: <i>Giorgis Math-eos</i> .
07607	Takebayashi Kisen Co. Ltd.: <i>Choyo Maru</i> .
07616	I Al. I Industria Ittici S.P.A.: <i>Airone</i> .
07623	Hawaiian Tug & Barge Co. Ltd.: <i>DTB-37, DTB-35, DTB-33, DTB-29, DTB-27, DTB-25, DTB-39</i> .
07651	Canaveral International Corp.: <i>Star Trek, Lakeland, Canaveral</i> .
07777	K/S A/S Falckship: <i>Ringfalck</i> .
08064	Santa Fe-Pomeroy Marine Services Co.: <i>Azteca, Shawnee, Kiowa</i> .
08151	Carasco Navigation Co., Ltd.: <i>Athens Sun</i> .
08166	Black Lion Shipping Co., S.A.: <i>Rena K.</i>
08282	Atalanta Shipping Co., Ltd.: <i>Magda</i> .
08310	Universal Seaways Private Ltd.: <i>Honor Sea</i> .
08517	Arcamare Shipping Enterprises S.A.: <i>Arcamare</i> .
08537	Arcanave Shipping Corp.: <i>Karina</i> .
08538	Arcanave Shipping Corp.: <i>Arcasea</i> .
08563	Seven Seas Enterprise Corp. (Panama) S.A.: <i>Sea Brave</i> .
08617	Fairmont Enterprises Ltd.: <i>Capricorn</i> .
08702	Bowling Green Navigation Corp.: <i>Sophia</i> .
08710	Michael Arcadis: <i>Arcadyra</i> .
08834	Apostolos Maritime Co., Ltd.: <i>Apostolos A.</i>
08896	Liberian Lily Transports, Inc.: <i>Universal Lily</i> .
09019	Del Monte Del Ecuador, C.A.: <i>San Antonio V.</i>
09087	General Bulk Carriers Ltd.: <i>Serifos</i> .
09094	Lambert Bros. Shipping Ltd.: <i>Temple Hall</i> .
09103	Anemone Shipping Co., Ltd.: <i>Anco Elias</i> .
09106	Antilles Marine Cargo Ltd.: <i>Amorgos</i> .
09118	Eva Maria Shipping Corp.: <i>Eva Maria C.</i>
09172	Vania Compania Naviera S.A.: <i>Grace, Athen Sky</i> .
09199	Anebreto Enterprises, Ltd.: <i>Marika M.</i>
09202	Ramalp Compania S.A.: <i>Maria Christina</i> .
09322	Van Camp Seafood Co., Division of Ralston Purina Co.: <i>Pepesca 4</i> .
09354	Gulf Elevator & Transfer Co. Inc.: <i>UBL 340</i> .
09355	Vimat Shipping Lines Pte. Ltd.: <i>Savannah</i> .
09356	Georgetown Steel Corp.: <i>GSC-200</i> .
09380	Hoffman International, Inc.: <i>Constitution</i> .
09528	Millstone Tankers Inc.: <i>Black Builder</i> .
09760	Amoco Transport Co.: <i>Conqueror</i> .
09779	Elnaval Navigation Co., Ltd.: <i>Mimi M.</i>
09842	Arta Compania Naviera S.A. Panama: <i>Marivana Rena</i> .
09940	Pesqueras Marinenses, S.A.: <i>Playa De Mogor</i> .
10019	Jinyang Shipping Co., Ltd.: <i>Jin Yang 13, Jin Yang 11</i> .
10085	Dipotama Marine Ltd.: <i>Yannis M.</i>
10090	International Bulk Carriers Ltd.: <i>Olive Oil</i> .
10091	Carp Shipping Inc.: <i>Haeng Bok No. 508</i> .
10093	Universal Giant Shipping Co., Ltd. S.A.: <i>Universal Giant</i> .
10136	Oriental Armonia Vapor S.A.: <i>Bela Cosmo</i> .
10164	Alfanourios Shipping S.A.: <i>Alfanourios</i> .
10178	Seatraveller Shipping Co., Ltd.: <i>Elkina</i> .
10260	Hollywood Marine Inc.: <i>S-1514</i> .
10265	K. M. Shipping Co., Ltd.: <i>Kalmantan Mahogany</i> .
10365	Parley Augustsson Management A/S: <i>Neriana</i> .
10565	Robbins Towing Co.: <i>Hornet, Mary I</i> .
10582	Hendrik Shipping Corp.: <i>Hendrik</i> .
10771	Alexander Shipping & Navigation Co.: <i>Ihab I</i> .
10838	Pacific Union Navigation S.A.: <i>Nada Yoshi No. 3</i> .

Certificate

No.	Owner/operator and vessels
10873	Packer Marine Inc.: <i>Doro 900</i> .
11000	Eurus (Liberia) Ltd.: <i>An Yung</i> .
11011	Power Corp. of Canada Ltd.: <i>Chambly Era</i> .
11069	Servette Shipping Co.: <i>Excomm Mariner</i> .
11095	Dong-A General Industrial Co. Ltd.: <i>No. 501 Haeng Bok, Haeng Bok No. 503, No. 506 Haeng Bok, No. 507 Haeng Bok, Haeng Bok No. 509</i> .
11153	Sea Containers International Corp.: <i>Merzario Ionia</i> .
11344	Brusco Towboat Co.: <i>ZB15, ZB9</i> .
11351	Sea Containers (Cyprus) Ltd.: <i>Deckship</i> .

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14337 Filed 5-22-78; 8:45 am]

[6730-01]

DELTA STEAMSHIP LINES, INC.

Acquisition and Substitution

Delta Steamship Lines, Inc., and Prudential Lines, Inc., have notified the Federal Maritime Commission that commencing on or about May 22, 1978, Delta Steamship Lines, Inc., will acquire the Mexican, Caribbean, Central American, and South American trades and operations of Prudential Lines, Inc., and the vessels participating in those trades and that, thereafter, as the said vessels are acquired by Delta Steamship Lines, Inc., as they become available for transfer from Prudential Lines, Inc., the trades and services to those areas presently served by Prudential Lines, Inc., will be operated by Delta Steamship Lines, Inc. As a result of this acquisition, Delta Steamship Lines, Inc., will succeed to the rights of Prudential Lines, Inc., in those trades, including the rights, and all future liabilities, under the respective section 15 agreements to which Prudential Lines, Inc., is presently a party, which are applicable to those trades. Accordingly, the records of the Federal Maritime Commission concerning such agreements to which Prudential Lines, Inc., is presently a party will be changed, effective the date of the acquisition, to substitute the name of "Delta Steamship Lines, Inc." as a participating carrier, in place of Prudential Lines, Inc. In addition, the conference and rate-making agreements applicable to the trades in question, to which Prudential Lines, Inc. is presently a party, are obligated to notify the Federal Maritime Commission that they have also changed their records accordingly. The following is a list of the agreements involved:

CONFERENCE AND RATE AGREEMENTS

2744	6190	7890
3302	6400	8300
3868	6870	8660
6080	7590	9876

OTHER THAN CONFERENCE AND RATE AGREEMENTS

8640	9941	10215
9716	10041	10216

OTHER THAN CONFERENCE AND RATE
AGREEMENTS—Continued

9873	10056	10299
9939	10066	

TERMINAL AGREEMENTS

T-3014
T-3244

By order of the Federal Maritime Commission.

Dated: May 18, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14335 Filed 5-22-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFAREFood and Drug Administration
ARTHRITIS ADVISORY COMMITTEE

Renewal

Correction

In FR Doc. 78-11703, appearing at page 18769 in the issue of Tuesday, May 2, 1978, the third line of the "Summary" paragraph should read, "1972 (Pub. L. 92-463, 86 Stat. 770-776)".

[1505-01]

[Docket No. 75N-0139; DESI No. 9955]

CERTAIN ORAL PROTEOLYTIC ENZYMES

Denial of Hearing; Withdrawal of Approval of
New Drug Applications

Correction

In FR Doc. 78-11702, appearing at page 18770 in the issue of Tuesday, May 2, 1978, the fifth line of the last full paragraph on page 18770 should read, "3-to-1 ratio of trypsin activity to chy-".

[4110-03]

[Docket No. 78M-0102]

HUNTER SESSIONS VENA CAVA BALLOON
OCCLUDER

Premarket Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval of the Hunter Sessions

vena cava balloon occluder (P770-005), sponsored by the Barlow Manufacturing Co., Hinsdale, Ill. After reviewing the Cardiovascular Device Classification Panel's recommendation, FDA notified the sponsor that the device had been approved as safe and effective.

DATES: Any petition for administrative review and supporting data and information must be submitted on or before June 22, 1978.

ADDRESS: Requests for information and petitions for administrative review to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION
CONTACT:

Keith Lusted, Bureau of Medical Devices (HFK-402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: The sponsor, the Barlow Manufacturing Co., Hinsdale, Ill., submitted the application for premarket approval of the Hunter-Sessions vena cava balloon occluder to FDA on July 7, 1977. The Cardiovascular Device Classification Panel recommended approval of the application. On December 19, 1977, FDA approved the application by a letter from the Director, Bureau of Medical Devices, FDA, to the sponsor.

DESCRIPTION OF DEVICE

The vena cava balloon occluder consists of a long catheter with a balloon on its end that is inserted into the venous system and positioned under X-ray control in the vena cava. The balloon is inflated and left in place while the catheter is withdrawn. The balloon blocks the vena cava without requiring surgery.

In 6 to 8 months, the balloon collapses. By that time, the walls of the vein close and scar around the balloon remnant, which remains fixed in position.

The vena cava balloon occluder is designed for treatment of a common, often fatal, condition known as pulmonary embolism, which occurs when blood clots formed in the legs or lower parts of the body are carried by the blood stream to the lungs.

The standard treatment of this condition involves the use of drugs to decrease the ability of the blood to form clots. If this treatment is ineffective or contraindicated, surgery may be performed to close the main blood vessel through which these clots travel, the vena cava. However, surgery and the anesthesia required cause further complications or death in a significant

number of patients, and the ant clotting drugs cannot be used during surgery.

The vena cava balloon occluder is intended for use in patients who cannot have, or refuse, surgery or in whom drug therapy is unsuccessful.

REVIEW OF APPLICATION

The Food and Drug Administration has concurred with the Cardiovascular Device Classification Panel's recommendation to approve the premarket application subject to the condition that the sponsor conduct post-approval studies, with annual reports to FDA, to generate additional data on long term biocompatibility of the materials used in the implant (i.e., compatibility of the materials with tissue and blood). Based on the panel's recommendation, FDA has approved the application subject to the recommended condition.

A detailed summary of the information on which FDA's approval is based is available upon request from the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

OPPORTUNITY FOR ADMINISTRATIVE
REVIEW

Section 515(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(g)) authorizes any interested person to petition for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 of the FDA's administrative practices and procedures regulations (21 CFR Part 12) or a review of the application and FDA's action by an independent advisory committee of experts. A petition shall be in the form of a petition for reconsideration of FDA action under §10.33(b) (21 CFR 10.33(b)). A petition shall designate the form of review that the petitioner requests (hearing or independent advisory committee) and shall be accompanied by supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing any petition, FDA will decide whether to grant or deny the petition by notice published in the FEDERAL REGISTER. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before June 22, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, four copies of each petition and supporting data and information, identified with the name of the device and

the Hearing Clerk docket number found in brackets in the heading of this document.

Dated: May 16, 1978.

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

[FR Doc. 78-13704 Filed 5-22-78; 8:45 am]

[1505-01]

PANEL ON REVIEW OF DENTRIFICES AND DENTAL CARE AGENTS

Meeting Change

Correction

In FR Doc. 78-11094, appearing at page 17541 in the issue for Tuesday, April 25, 1978; on page 17542, first column, fourth line, insert "10749" after "FR".

[4110-83]

Health Resources Administration

NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: National Council on Health Planning and Development.

Date and Time: June 9, 1978, 8:30 a.m.-5 p.m.

Place: Main Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose. The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that

health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda. The Council will continue discussion on Goals Implementation Strategy it proposed in April. Evaluation Plans and Issues of Rate Regulations, Certification of Need and Health Planning Linkages will also be discussed.

Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-7175.

Agenda items are subject to change as priorities dictate.

Dated: May 11, 1978.

JAMES A. WALSH,
*Associate Administrator for
Operations and Management.*

[FR Doc. 78-13967 Filed 5-22-78; 8:45 am]

[4110-84]

Health Services Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: PHS Hospitals Ad Hoc Advisory Committee.

Date and Time: June 9-10, 1978, 8:30 a.m.

Place: 607 G1, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The Committee will conduct an in-depth examination of each PHS hospital in relation to its principal beneficiaries and the community in which it is located; its health needs and delivery system; and the cost of operation and achievements. It will assist in developing options and recommendations concerning the present and future role of the hospitals in the continuation and improvement of health care delivery.

Agenda: To review, discuss and modify second draft of the report.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Jordan Popkin, Office of the Administrator, Health Services Administration, Parklawn Building, Room 14-15, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-2245.

Agenda items are subject to change as priorities dictate.

Dated: May 18, 1978.

WILLIAM H. ASPDEN, Jr.,
*Associate Administrator
For Management.*

[FR Doc. 78-14475 Filed 5-22-78; 8:45 am]

[4110-85]

Office of the Assistant Secretary for Health

ADVISORY COMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of June 1978:

Name: Health Care Technology Study Section.

Date and Time: June 7-9, 1978, 8 p.m.

Place: Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

Open June 7, 8 p.m. to adjournment, June 8, 9:00 a.m. to 10:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 7 will be devoted to a discussion of the Report of the Information Systems Evaluation Work Group, and on June 8 the open session will be devoted to a business meeting covering administrative matters. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6196.

Name: Health Services Developmental Grants Study Section.

Date and Time: June 12-13, 1978, 9 a.m.

Place: Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

Open June 12, 9:00 a.m. to 10:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 12, 1978, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Study Section will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accord-

ance with provisions set forth in section 552b(c)(6), Title 5, United States Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6916.

Name: Health Services Research Study Section.

Date and Time: June 14-15, 9:00 a.m.

Place: Thomas Paine Room, Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C. 20008.

Open June 14, 9:00 a.m. to 10:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session on June 14, 1978, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the study section will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, United States Code and the Determination by the Acting Assistant Secretary for Health pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6918.

Agenda items are subject to change as priorities dictate.

Dated: May 18, 1978.

WAYNE RICHEY, Jr.,
Acting Associate Director for
Management Office of Health
Policy Research and Statistics.

[FR Doc. 78-14471 Filed 5-22-78; 8:45 am]

[4110-12]

Office of the Secretary

Reestablishment of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. D), the Office of the Secretary announces the reestablishment of the Secretary's Advisory Committee on the Rights and Responsibilities of Women by the Secretary, Department of Health, Education, and Welfare.

Authority for this committee will expire on May 5, 1980, unless the Secretary formally determines that continuance is in the public interest.

Further information on the committee may be obtained from Susan C. Lubick, Executive Secretary, Office of

the Secretary, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-8454.

Dated: May 17, 1978.

SUSAN C. LUBICK,
Executive Secretary, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.

[FR Doc. 78-14303 Filed 5-22-78; 8:45 am]

[4110-07]

Social Security Administration

ENGLISH LANGUAGE AND EMPLOYMENT SERVICES FOR INDOCHINESE REFUGEES

Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

ACTION: Final notice of availability of funding.

SUMMARY: This document governs the award of grants to public and private non-profit agencies for the purpose of operating English language and employment services for Indochinese refugees in fiscal year 1978, in order to assist refugees in resettling in the United States and in gaining skills and education necessary to become self-reliant.

FOR FURTHER INFORMATION CONTACT:

Gerard R. Wynne, 202-472-2417.

SUPPLEMENTARY INFORMATION:

1. PUBLIC COMMENT TO THE NOTICE OF AVAILABILITY OF FUNDING

A notice of the Availability of Funding was published on March 22, 1978 in 43 FR 11859-11861. Interested persons were invited to submit comments, suggestions, or objections to the notice, to be received by the Director, Special Programs Staff, Office of Family Assistance, on or before April 21, 1978.

Comments were received from nine persons or organizations outside the Department of Health, Education, and Welfare. While all commenters expressed general support for the proposal, certain suggestions were offered. The comments, summarized by subject area, are listed below, with responses.

Certain other changes were made in order to correct omissions and typographic errors printed in the initial notice. Significant changes are noted under Item 3, "Other Changes."

2. SUMMARY OF COMMENTS

Comment. One commenter suggested that allowable activities be expanded to include the provision of supplement-

tal services such as transportation and child day care for program participants where warranted.

Response. While such an inclusion would undoubtedly be beneficial in enabling more refugees to enroll in projects, Special Projects funding constraints prohibit this. However, such services may be available under Indochinese Refugee Assistance Program (IRAP) Social Services funding to the States.

Comment. Three commenters discussed the manner in which the funds are allocated among the 10 HEW Regions, based upon the number of Indochinese refugees receiving cash assistance in those regions. The comments noted such complex and sophisticated factors as refugee distribution among the States, the varying levels of cash assistance support among the States, the continuing secondary migration of refugees from State to State, and differing needs of the refugee population of the various States.

Response. Pub. L. 95-145 places strong emphasis upon Special Projects funds as a means to help refugees gain skills and education necessary to become self-reliant. In the absence of more reliable yardsticks to measure the degree of refugee self-reliance, the cash assistance caseload remains the most accurate basis for determining such self-reliance.

Comment. Two Commenters proposed that the scope of the projects be broadened to afford specialized training for Indochinese refugee professionals as an allowable activity.

Response. While such upgrading would undoubtedly be desirable in helping refugee professionals upgrade their job skills, and while such training would not be precluded under the notice, the limited amount of funds available, the substantial number of refugees needing training to reach self-support levels, and the cost/benefit ratio for such professional training preclude specific incorporation of this feature into the notice.

Comment. One commenter urged that the teaching of mathematics be included in Item V under "allowable activities."

Response. Item V (5) would permit the teaching of mathematics provided it met the requirement of "employment-enhancing job training."

Comment. One commenter expressed concern that the voluntary agencies which have assisted in the resettlement of Indochinese refugees be given opportunity to participate in the projects.

Response. Such opportunity is provided in the Notice in accordance with section 2(c) of Pub. L. 95-145, which provides that these funds shall be "for special projects and programs, administered in whole or in part by State or local public agencies or by private vol-

untary agencies participating in the Indochina refugee assistance program."

Comment. One commenter urged that at least 50 percent of the Special Projects funds available under this notice be earmarked to train unemployed adult refugees receiving cash assistance.

Response. While this category of refugee is included among those eligible to participate in the projects, it was felt that such a requirement would not necessarily conform to refugee needs in a given locality.

3. OTHER CHANGES

a. Item V, "Eligible Projects," has been changed to conform with Office of Management and Budget (OMB) policy. If, subsequent to a grant award, the grantee wishes to enter into a contract with a third party, the grantee must submit a request for prior approval to appropriate HEW officials, but need not submit the proposed contract itself.

b. Item VIII, "Application Submission and Approval Procedures." Dates for application submission and award of grants have been changed, reflecting the publication date of this notice. Also, pursuant to HEW grants policy, compliance with OMB Circular A-95 Part I is required.

c. Item X, "Application Content." Pursuant to HEW grants policy, SF 424 is substituted for submitting basic project proposals.

d. Item XI, "Records and Reports." Pursuant to OMB policy, reports will be required quarterly rather than monthly. Item (4) has been changed to read "Fiscal records," correcting a typographical error.

e. Item XII, "Conditions of Award," has been broadened to assure full appeal and non-discrimination in the grant process, and the HEW Grants Administration Manual has been substituted for the grants administration policies of the former Social and Rehabilitation Service.

f. Number 13.814 in the 1978 Catalog of Federal Domestic Assistance has been assigned.

I. PURPOSE AND SCOPE

This notice describes the availability of national funding for special projects and programs of English language instruction, training, and employment services for Indochinese refugees. The objective of such projects and programs is to assist refugees in resettling in the United States and in gaining skills and education necessary to become self-reliant.

Funding will be available through the Special Programs Staff, Office of Family Assistance, Social Security Administration, HEW, for project grant awards to public and non-profit private agencies for intensive employ-

ment assistance activities for Indochinese refugees currently receiving cash assistance or likely to receive such assistance in the future.

In addition to addressing the problem of refugee unemployment which results in the need for public cash assistance, these projects will also attack the problem of refugee underemployment by upgrading refugee vocational skills and earning power to the point where supplementary cash assistance is no longer needed by working refugees.

Projects to be funded will be those which emphasize direct job placement whenever possible and provide work-related English language and vocational training leading to secure jobs with advancement potential and the usual range of employee fringe benefits.

II. AUTHORIZATION

Funds for the activities listed below are authorized under the Indochina Migration and Refugee Assistance Act of 1975 Pub. L. 94-23 as amended by Pub. L. 95-145. Specifically, that act authorizes funds to be appropriated to the Department of Health, Education, and Welfare for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962, Pub. L. 87-510. It is intended that the grants be for up to 12 months from the date of award.

III. ELIGIBLE GRANTEEES

Section 2(c) of Pub. L. 95-145 states that special projects and programs are to be "administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina Refugee Assistance Program, to assist refugees in resettling and in gaining skills and education necessary to become self-reliant."

Eligible grantees are State and local governments, public and incorporated nonprofit private agencies, or any combination of these. Private for-profit agencies or firms are not eligible for grants.

IV. ALLOTMENT OF FUNDS

Project grant applications will be funded on merit, as outlined in Item IX, "Criteria for Evaluating Applications." Funds will be made available among the 10 HEW regions, taking into account the number of refugee cases receiving cash assistance.

Based on the percentage of the National cash assistance caseload in each region, it is estimated that the funding that could be available among the HEW regions for new projects pursuant to this notice will be as follows:

Region	Percent of total cash	Amounts
Region I	2.234	\$67,000
Region II	2.109	63,000

Region	Percent of total cash	Amounts
Region III	9.664	290,000
Region IV	5.253	158,000
Region V	8.922	268,000
Region VI	8.641	259,000
Region VII	5.035	151,000
Region VIII	3.444	103,000
Region IX	45.021	1,351,000
Region X	9.677	290,000

V. ELIGIBLE PROJECTS

Proposed projects must provide for direct services to refugees and must be designed to move employable adult refugees receiving cash assistance, likely to receive cash assistance, or in need of employment services into permanent full-time employment, and to upgrade the earning power of currently underemployed refugees.

Allowable activities include:

(1) Identification and employability assessment of eligible adults.

(2) Job placement services.

(3) Provision of English language training, provided that such training emphasizes the teaching of English that is essential to the attainment of employment, including language training which is related to the needs of a specific occupation.

(4) Vocational Training.

(5) Vocational counseling, testing, employment-enhancing job training, skill training, and follow-up counseling. Special emphasis on career planning, with the goal of steady advancement in a field of specialty, is strongly encouraged.

The payment of stipends is not an allowable activity.

Project plans must show how the selected activities will support the objectives as outlined in section I, "Purpose and Scope" above. A range of services and a mix of activities that reflect the individual needs of each area to be served are encouraged. Jointly funded or supported activities are allowed and encouraged.

Creation of advisory boards, made up of representatives from the Indochinese community, the public sector, and the private sector (such as voluntary agencies, labor organizations and employers) is required for all projects.

Intent to contract with third parties (including profit-making organizations) must be fully described in the grant application. If, subsequent to the grant, the grantee desires to enter into a contract with a third party, a request for prior approval must be submitted through the Regional Commissioner SSA, and approved by the Director, Special Programs Staff, Office of Family Assistance, as outlined in Chapter 1-430 of the HEW Grants Administration Manual.

VI. DEFINITION OF A REFUGEE

For the purpose of participation in these projects, refugees are defined as:

"Aliens who (A) because of persecution or on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion."

To be eligible, a refugee must have status as described by one of the following: (1) An individual with parole, voluntary departure or conditional entry status as indicated by an Immigration and Naturalization Service (INS) Form I-94; (2) An individual admitted to the United States with permanent resident status on or after April 8, 1975, or an individual who has permanent resident status as a result of adjustment of status under Pub. L. 95-145, as indicated by INS Form I-151 or I-551.

VII. ELIGIBLE PARTICIPANTS

Consistent with the scope and purpose of the authorizing legislation, the eligible participants shall be:

- (1) Unemployed, employable adult refugees receiving public cash assistance or likely to receive public cash assistance.
- (2) Underemployed adult refugees needing job upgrading to achieve or maintain self-sufficiency.
- (3) Underemployed adult refugees needing job upgrading to achieve career potential.
- (4) Minors age 16 or 17 who are not in school.

VIII. APPLICATION SUBMISSION AND APPROVAL PROCEDURES

Eligible applicants may request grant applications and information from the HEW Regional Offices listed at the end of this notice, or from the Special Programs staff, Office of Family Assistance, Social Security Administration, Room 1124, Donohoe Building, HEW, 330 Independence Avenue SW., Washington, D.C. 20201.

An original application and two copies must be received by the Regional Commissioner, Social Security Administration, by 5 p.m. (local time), 30 days subsequent to the publication of this notice. No grant application will be accepted after this date.

Regional panels to be convened by the Regional Commissioners, Social Security Administration, will review, evaluate, and rank the proposals received, based on (1) the criteria outlined in Item IX of this notice; (2) the needs of the refugee population within the region; and (3) existing resources available to refugees in the target area. The review panel's recommendations and the Regional Commissioners' concurrence and/or comments will be forwarded to the Director, Special Programs Staff, Office of Family Assistance for review. Upon the director's approval, the grant awards are expected to be issued within 45 days of

the closing date for receipt of applications.

All applications are subject to the Project Notification and Review procedures required by OMB Circular A-95 Part I. This circular requires applicants to notify State and areawide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application.

IX. CRITERIA FOR EVALUATING APPLICATIONS

Project grant applications will be evaluated on the following criteria:

1. Familiarity and experience of the applicant organization in Indochinese refugee resettlement, manpower programs, and/or teaching English as a second language (0-10 Points).

2. Qualifications of applicant organization in operating human service programs, including:

(a) Provision of direct services; (b) project administration; (c) monitoring of subcontracts, if applicable; (d) training and supervision of staff; and (e) demonstration of commitment and responsiveness to refugee concerns through implementation of Advisory Boards, feedback mechanisms, and program evaluation (0-15 Points).

3. Projected impact of the proposed program in increasing self-sufficiency and reducing dependency—i.e., specific project objectives (0-15 Points).

4. Qualifications of individual professional personnel delivering the services and administering the project (0-10 Points).

5. Understanding and analysis of the problem, in light of local conditions and the needs of the target population to be served (0-10 Points).

6. The extent to which the grant application outlines a clear and achievable plan to reduce unemployment and/or underemployment among target adult refugees (0-15 Points).

7. The extent to which the proposed project mobilizes, coordinates, and expands existing resources and activities which are providing, or could provide, services to refugees, including:

(a) Ongoing activities funded through the Office of Family Assistance and Office of Education under the Refugee Assistance Program; (b) State or local resettlement task forces or committees; and (c) Voluntary efforts undertaken by Voluntary Agencies (VOLAGs), other resettlement agencies, and Indochinese associations and coalitions (0-15 Points).

8. Comprehensiveness and coordination of proposed project components (0-10 Points).

9. Adequacy and accessibility of facilities and other resources (0-10 Points).

10. Reasonableness of estimated costs in relation to anticipated results (cost/benefit ratio) (0-15 Points).

Selection of a State for a grant award does not preclude a grant award to other public or non-profit private agencies within the State. Applicants must demonstrate their willingness and intention to work cooperatively with other agencies serving the same population.

X. APPLICATION CONTENT

All applicants will use Standard Form 424, "Federal Assistance" in submitting project proposals. Grants applications must also include the following:

(1) *Description of the applicant organization.* Description of the proposer (public agency, private nonprofit, consortium). If other than a public agency, description of its organizational mandate, funding sources, principal officers, address, and telephone number. A description of the advisory board's makeup, the selection process used for its members, and the Board's function. If the applicant is a unit of a larger institution, assurances must be provided that the operation and objectives of the project will not be subordinated to other institutional objectives.

(2) *Applicant experience with Indochinese refugees.* Description of other projects or experience which the applicant has had in serving the Indochinese refugee population.

(3) *Identification of the target population.* Includes estimates of the number of people to be served (compared to the total refugee population in the area), number receiving cash assistance, and other relevant distinctions, such as:

- a. Number unemployed and underemployed.
- b. Heads of households and secondary wage earners.
- c. Sex and family status.
- d. Native language (Vietnamese, Cambodian, Lao, H'mong).

This section will include an explanation of the methodology and data sources used in arriving at the estimates.

(4) *Project objectives.* Description of proposed project objectives, including the number of enrollees who will achieve each of the listed objectives.

(5) *Existing service deliverers.* Brief overview of existing services to Indochinese refugees which have bearing on the proposed project. Where other service projects are in operation, proposer should provide assurances that either:

- a. Coordinative linkages with such projects have been arranged (demonstrated by letters of commitment or support or descriptions of working agreements), or
- b. The proposed project is not in competition with, nor duplicative of, existing projects.

(6) *Work plan.* A work plan to meet the project objectives including identi-

fication of all service deliverers and a procedure to insure service linkages. A description of proposed contracting with third parties should be included. The work plan should describe in detail the proposed services and components, such as:

a. *Outreach and recruitment.* Description of how proposer plans to locate and recruit the target population, along with a schedule of enrollment goals.

b. *Intake and assessment.* Description of how proposer plans to determine eligibility and make assessments of enrollee needs, including assessment tools or proposed tests.

c. *Counseling and career planning.* Description of how proposer plans to provide counseling and career planning services. If already developed, samples should be included of Employment Plan or Career Plan forms which will be completed for enrollees.

d. *Language training.* Description of how proposer plans to deal with the language problems of the refugees. If English as a Second Language (ESL) programs are planned, description of class sizes, amount of instruction, and assurances that classes will be refugee-specific.

e. *Vocational training.* If proposed, description of how proposer plans to provide or arrange for vocational training, including skill areas, length of training, and likelihood of related employment.

f. *Job development and placement.* Description of how proposer plans to develop jobs, or other positive alternatives (such as on-the-job training or higher education). Description of placement methodology.

g. *Follow-up.* Description of how proposer plans to maintain follow-up contacts and records for ninety days after all placements.

(7) *Supportive services.* Supportive services required, with an indication of how they will be provided.

(8) *Management plan.* A plan for fiscal and program management to accomplish the program objectives. The program management plan should describe how the proposer plan to administer the project, train and supervise staff, monitor subcontracts (if proposed), maintain records, and evaluate performance.

(9) Program budget.

XI. RECORDS AND REPORTS

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grants. This record-keeping shall include but is not limited to:

(1) Individual case records on all refugees counted as enrolled and receiving services. At a minimum these records must include identification data; career planning and counseling data;

services provided; progress reports; job referrals; job placements; and follow-up.

(2) Quarterly program progress reports, due 10 days after the last calendar day of each quarter following the effective date of the contract award. The quarterly report shall include:

a. A narrative statement of project status: Progress achieved, problems encountered, and proposed actions to resolve problems.

b. The number of refugees receiving services, including current enrollment and cumulative totals for each service provided by the grant project.

c. The number of refugees placed in jobs and hourly wage rates.

d. Of those placed, the number still employed 30, 60, and 90 days after job placement.

e. A cash assistance status report of the refugees served.

(3) Fiscal reports.

(4) Fiscal records.

(5) Additional reports as required for effective Federal monitoring.

XII. CONDITIONS OF AWARD

All grants made under this announcement will be subject to:

1. The following HEW regulations in 45 CFR, as amended: Part 16, "Department Grant Appeals Process;" Part 74 "Administration of Grants;" Part 75, "Informal Grant Appeals Procedures;" and Parts 80, 84, and 86 relating to nondiscrimination.

2. The HEW Grants Administration Manual.

Copies of these documents may be inspected in the offices of Regional Commissioners, SSA, or of the Special Programs Staff, Office of Family Assistance, HEW, Room 1124, Donohoe Building, 400 Sixth Street SW., Washington, D.C.

XIII. ADDITIONAL INFORMATION

Additional information and grant applications can be obtained from the following persons in the HEW Regional Offices:

REGION I

Tran Phuc Truong or Sydney Henkel, Social Security Administration, HEW, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02003, telephone 617-223-6833, FTS 8-223-6833.

REGION II

Georgianna Gleason, Social Security Administration, HEW, 26 Federal Plaza, New York, N.Y. 10007, telephone 212-264-7202, FTS 8-264-7202.

REGION III

Robert T. Clifford, Office of Family Assistance, Social Security Administration, HEW, P.O. Box 8788, Philadelphia, Pa. 19101, telephone 215-596-1304, FTS 8-596-1304.

REGION IV

Hoang T. Phan, Social Security Administration, HEW, Marietta Tower, 101 Marietta

Street NW., Atlanta, Ga. 30323, telephone 404-221-2351, FTS 8-242-2351.

REGION V

Gene Niewoehner, Social Security Administration, HEW, 300 South Wacker Drive, Chicago, Ill. 60606, telephone 312-353-5182, FTS 8-353-5182.

REGION VI

Jim Kelley or Rick Cline, Social Security Administration, HEW, 1200 Main Tower Building, Dallas, Tex. 75202, telephone 214-767-4301, FTS 8-729-4301.

REGION VII

Don Belknap, Social Security Administration, HEW, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-6127, FTS 8-758-5975.

REGION VIII

Rod Underwood, Social Security Administration, HEW, 1961 Stout Street, Denver, Colo. 80202, telephone 303-837-5591, FTS 8-327-5591.

REGION IX

George Killingsworth, Social Security Administration, HEW, 100 Van Ness Avenue, San Francisco, Calif. 94102, telephone 415-556-8582, FTS 8-556-8582.

REGION X

Son Van Do, Social Security Administration, HEW, Arcade Plaza, 131 Second Avenue, Seattle, Wash. 98101, telephone 206-442-5734, FTS 8-399-5734.

(1978 Catalog of Federal Domestic Assistance No. 13.814—Refugee Assistance—Indochinese Refugees (previously Catalog No. 13.769—Special Assistance to Refugees from Cambodia, Vietnam, and Laos in the United States).)

Dated: May 16, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

[FR Doc. 78-13966 Filed 5-22-78; 8:45 am]

[4110-07]

MENTAL HEALTH PROJECTS FOR INDOCHINESE REFUGEES

Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

ACTION: Proposed notice of available funding.

SUMMARY: This document governs the award of grants to public and private nonprofit agencies for the purpose of operating mental health projects for Indochinese refugees beginning in fiscal year 1978, in order to assist refugees in resettling in the United States and in becoming self-reliant.

COMMENT DATE: Public comments must be received on or before June 22, 1978.

ADDRESSES: Comments should be addressed to Director, Special Pro-

grams Staff, Office of Family Assistance, Social Security Administration, HEW, Room 1124, Donohoe Building, 330 Independence Avenue SW., Washington, D.C. 20201. Comments received in response to this notice will be available for inspection at the above office, Mondays through Fridays between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Charles W. Soffel, 202-472-2397.

I. PURPOSE AND SCOPE

This notice describes the availability of national funding for special projects and programs designed to assist Indochinese refugees in coping with mental health problems. The objective of such projects and programs is to assist refugees in resettling in the United States and in gaining self-reliance.

Funding will be made available through the Special Programs Staff, Office of Family Assistance, Social Security Administration, HEW, for project grant awards to public and non-profit private agencies.

A. BACKGROUND

The Indochinese refugees, having undergone the traumas of emergency evacuation from their homelands and relocation in this (to them) alien culture, suffered considerable stress. The Refugee Task Force (now the Special Programs Staff) received in the spring and summer of 1976 consistent warnings, from Regional Refugee Coordinators and agencies involved in the resettlement program, of growing evidence of behavioral problems attributed generally to the trauma of resettlement.

In fiscal year 1976 and 1977, the Task Force approved six small grants to deal with mental health problems of the refugees. Reports from the projects confirmed the informal body of information already available. The projects found cases of depression, anxiety, alcohol and drug abuse, and wife and child abuse. The psychosomatic ailments they found included headaches, dizziness, and nausea.

In addition to the findings of the mental health projects, refugee Employment and Training Projects reported that emotional problems were preventing significant numbers of enrolled refugees from securing or holding gainful employment.

It became apparent that the national objective of refugee self-sufficiency could not be achieved for those refugees suffering from mental health problems unless those problems were addressed. It also became apparent that the existing mental health services delivery system in most localities was not able to respond adequately to the problems of the refugee community. This notice is a result of those conclusions.

B. SCOPE OF PROJECTS

To bridge the gap between existing facilities and the needs of Indochinese refugees, assuring that refugees are afforded the same mental health services available to the general population, the Special Programs Staff proposes to fund approved programs and projects as outlined in this notice. There are three major objectives of this effort:

1. *To impact the existing mental health services delivery system.* Included under this objective would be projects designed, through in-service training and other means, to alert mental health officials and practitioners to the scope and special nature of the refugee problems in their localities. The results of such efforts should include, both qualitatively and quantitatively, an increase of services to refugees.

2. *To increase the opportunities for employment in the mental health field for the Indochinese.* Included under this objective would be projects to provide on-the-job training for Indochinese as mental health workers, competent to work independently at counseling, interviewing, and rendering other direct services to Indochinese under supervision of certified or licensed professionals. (Long-term training of psychiatrists, psychologists, or other professionals is not envisioned.)

3. *To create community comprehensive support systems.* Included under this objective would be projects designed to work with mental health systems, to train paraprofessionals, to establish linkages among social service deliverers, and to facilitate the understanding within the refugee population of the American approach to mental health and mental health services.

It is recognized that prospective applicants for the grants may not choose to respond to all three objectives; therefore, it is allowable under this notice to propose projects which respond to one or more of the objectives. Consideration for funding will take into account the expected permanence of the change the projects will effect and the amount of direct service generated. Applications should clearly indicate which objectives the proposal will address, and in what way.

Because of funding limitations, it is not envisioned that these grants will provide direct clinical services to refugees except as that provision relates to on-the-job training.

II. AUTHORIZATION

Funds for the activities listed below are authorized under the Indochina Migration and Refugee Assistance Act of 1975, Pub. L. 94-23 as amended by Pub. L. 95-145. Specifically, that act authorizes funds to be appropriated to the Department of Health, Education,

and Welfare for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962, Pub. L. 87-510. It is intended that the grants be for up to 12 months from the effective date of award.

III. ELIGIBLE GRANTEES

Section 2(c) of Pub. L. 95-145 states that special projects and programs are to be "administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina Refugee Assistance Program, to assist refugees in resettling and in gaining skills and education necessary to become self-reliant."

Eligible grantees are State and local governments, public and incorporated non-profit private agencies, or any combination of these. Private for-profit agencies or firms are not eligible for grants.

Selection of a State for a grant does not preclude a grant award to other public or non-profit private agencies within the State.

IV. ALLOTMENT OF FUNDS

Project grant applications will be funded on merit, as outlined in item IX, "Criteria for Evaluating Applications." Funds will be made available among the 10 HEW Regions, taking into account the proportionate refugee populations of each region as indicated by Alien Registration data compiled by the Immigration and Naturalization Service as of January 1978. This data is expected to be available from INS during April or May 1978.

A national total of approximately \$2,500,000 is expected to be made available pursuant to this notice.

V. ELIGIBLE PROJECTS

Projects are expected to advance the mental health of the Indochinese refugee population. Such projects are to be designed primarily with the goal of placing needy refugees into effective contact with the existing mental health systems, and of enhancing the responsiveness and effectiveness of the systems in providing services to the refugees.

Allowable activities: It is allowable to propose projects which respond to one or more of the objectives listed in section I, "Purposes and Scope." The allowable activities listed here are grouped under the objectives for guidance; however, the listings are not mutually exclusive and, where warranted, a mix of activities may be proposed.

Objective 1: Impacting existing mental health services delivery systems

1. Activities designed to inform appropriate State, local, and private mental health officials and practitioners of the needs of the refugees. These

could include the utilization or adaptation of resource materials and the development of training packages on such topics as Indochinese perceptions of and attitudes toward Western mental health practices and modalities of treatment for this population.

2. Training sessions, conferences, and workshops aimed at improving mental health services provided to refugees.

3. Short-term research to identify the scope and nature of refugee mental illness and the availability of treatment within the existing systems.

Objective 2: Increasing opportunities for employment in the mental health field for the Indochinese

1. Development of training projects for Indochinese individuals. These should include a reasonable mix of classroom training and on-the-job training and supervision designed to enable the trainees to secure employment in the mental health field.

2. Career planning for trainees. This should include the development of career ladders leading to permanent positions and upward job mobility in the field.

Objective 3: Creating community comprehensive support systems

1. Development of interagency mental health forums, task forces, or committees, which include representation from the public and voluntary sectors and the refugee community to coordinate activities.

2. Training and supervision for Indochinese paraprofessionals to function as outreach workers, counselors, or facilitators.

3. Creation of devices, such as referral systems and public education, designed to familiarize the refugee population with services and facilities available to them, to encourage use of such services and facilities when warranted, and to carry out community mental health work in the refugee community.

Project plans must show how the proposed activities will support one or more of the objectives outlined in section I, "Purpose and Scope." A range of services and a mix of activities that reflect the individual needs of each area to be served are encouraged.

Also encouraged is concurrent and coordinated use of additional funding and support, such as State, local, or private funds, and other program participation.

Proposed projects may be region-wide, statewide, countrywide, or smaller. Because of the limitation of funds, a multi-jurisdictional approach and consortia arrangements are permitted.

Creation of advisory boards, made up of equal numbers of representatives from among the refugee commu-

nity, mental health clinicians, and social services agencies, is required for all projects.

Project activities may be carried out by third parties (including profit-making organizations) under contract from the grantee; however, the grantee may not contract out 100 percent of the services, and must in any case retain full administrative control. Intent to contract with third parties must be fully described in the grant application. If, subsequent to the grant, the grantee desires to enter into a contract with a third party, a request for prior approval must be submitted through the Regional Commissioner, SSA, and approved by the Director, Special Programs Staff, as outlined in chapter 1-430 of the HEW Grants Administration Manual.

VI. DEFINITION OF A REFUGEE

For the purpose of participation in these projects, refugees are defined as "Aliens who: (A) because of persecution or on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion."

To be eligible, a refugee must have status as described by one of the following: (1) An individual with parole, voluntary departure, or conditional entry status as indicated by an Immigration and Naturalization Service (INS) form I-94; (2) an individual admitted to the United States with permanent resident status on or after April 8, 1975, or an individual who has permanent residence status as a result of adjustment of status under Pub. L. 95-145, as indicated by INS form I-151 or I-551.

VIII. APPLICATION SUBMISSION AND APPROVAL PROCEDURES

Eligible applicants may request grant applications and information from the HEW Regional Offices listed at the end of this notice, or from the Special Programs Staff, Office of Family Assistance, Social Security Administration, Room 1124, Donohoe Building, HEW, 330 Independence Avenue SW., Washington, D.C. 20201.

Applications must be received by the Regional Commissioner, Social Security Administration, by 5 p.m. July 5, 1978. No grant application will be accepted after this date.

Regional panels to be convened by the Regional Commissioners, Social Security Administration, will review and evaluate the proposals received, based on the criteria outlined in item IX of this notice. The review panels' recommendations and the Regional Commissioners' concurrence and/or comments will be forwarded to the Director, Special Programs Staff, Office of Family Assistance for review and,

upon approval, for issuance of grant awards.

All applications are subject to the Project Notification and Review procedures required by OMB circular A-95 part I. This circular requires applicants to notify State and area-wide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application.

VIII. APPLICATION CONTENT

All applicants will use standard form 424 "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

(1) *Description of the applicant organization.* Description of the proposer (public agency, private nonprofit, consortium). If other than a public agency, description of its organizational mandate, funding sources, principal officers, address, and telephone number. A description of the makeup of the project's advisory board, the selection process used for its members, and the board's function must be included. If the applicant is a unit of a larger institution or government entity, assurances must be provided that the operation and objectives of the project will not be subordinated to other objectives.

(2) *Applicant experience with Indochinese refugees.* Description of other projects or experience which the applicant has had in serving the Indochinese refugee population.

(3) *Identification of the target population.* Specify the total Indochinese population in the project area, identified, where possible, by native language (Vietnamese, Cambodian, Lao, H'mong).

(4) *Existing mental health systems.* Brief overview of existing systems for delivery of mental health services to the general public in the area to be served by the project.

(5) *Existing deliverers of services to Indochinese.* Brief overview of existing services to Indochinese refugees which have bearing upon the proposed project. (Where such services are in operation, proposer should provide assurances that coordinative linkages have been arranged, or that the proposed project is not in competition with nor duplicative of, the existing services.)

(6) *Project scope and objectives.* A statement of the mental health needs of the target population, the objective(s) outlined in item I, "Purpose and Scope" which the project addresses, and the project's specific goals. Proposer must describe the efforts planned to assure provision of mental health services to Indochinese refugees beyond the project grant period.

(7) *Project description.* A detailed description of a work plan designed to achieve the objectives specified in item

(6) above. Describe fully the overall project approach, proposed components of the program, activities, staffing, and how linkages with other service providers will be ensured.

Applications proposing training projects under objective 2 should state what steps will be taken to ensure the employment of the trainees in the mental health field.

X. CRITERIA FOR EVALUATING APPLICATIONS

The following criteria will be used to evaluate all project grant applications. It is recognized that not all applications will address themselves to all three major objectives; therefore, ratings based on the criteria will be made selectively according to the objectives addressed.

1. Familiarity and experience of the applicant organization with Indochinese refugee resettlement, including knowledge of the needs of the people to be served and local conditions; understanding of the cultural and institutional barriers which inhibit the normal delivery of services; understanding of the differing needs, where relevant, of the Vietnamese, Cambodian, Lao, and H'mong refugee communities.

2. Qualifications of the applicant organization in meeting the selected objectives. Applicants addressing objectives 1 or 2 should indicate their professional competence in the mental health field and in staff training, and should include the qualifications of individual professional personnel. Applicants addressing objective 3 should indicate their experience in community-based programs, especially those which cut across traditional service delivery lines.

3. The extent to which the application addresses the identified mental health needs of the target population and outlines a clear and achievable plan to interface with existing systems of service delivery. This will include the specifics of utilization of services and facilities and plans to mobilize, coordinate, and expand existing resources and activities which are providing, or could provide, services to refugees.

4. Projected impact of the proposed program. Where direct services are to be provided, the extent to which proposer quantifies anticipated results.

5. Reasonableness of estimated cost in relation to anticipated results (cost/benefit ratio).

6. Comprehensiveness and coordination of proposed project components. The extent to which proposed linkages with other institutions and agencies are supported by such evidence as proposed subcontracts, letters of commitment, or working agreements.

7. Adequacy and accessibility of facilities and other resources.

X. RECORDS AND REPORTS

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grants:

(1) Quarterly program progress reports, due 10 days after the last calendar day of each quarter;

(2) fiscal reports; and

(3) additional reports as required for effective Federal monitoring.

XI. CONDITIONS OF AWARD

All grants made under this announcement will be subject to: (1) The following HEW regulations in 45 CFR, as amended: part 16, "Department Grant Appeals Process;" part 74, "Administration of Grants;" part 75, "Informal Grant Appeals Procedures;" and parts 80, 84, and 86 relating to non-discrimination, and (2) the HEW Grants Administration Manual.

Copies of these documents may be inspected in the offices of the Regional Commissioners, SSA, or Special Programs Staff, Office of Family Assistance, HEW, Room 1124, Donohoe Building, 400 Sixth Street SW., Washington, D.C.

XII. ADDITIONAL INFORMATION

Additional information and grant applications can be obtained from the following persons in the HEW regional offices:

REGION I

Tran Phuc Truong or Sydney Henkel, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02003. Telephone 617-223-6833, FTS 8-223-6833.

REGION II

Georgianna Gleason, HEW Regional Office, 26 Federal Plaza, New York, N.Y. 10007. Telephone 212-264-7202, FTS 8-264-7202.

REGION III

Robert T. Clifford, Office of Family Assistance, SSA, P.O. Box 8788, Philadelphia, Pa. 19101. Telephone 215-596-1304, FTS 8-596-1304.

REGION IV

Hoang T. Phan, Marietta Tower, 101 Marietta Street NW., Atlanta, Ga. 30323. Telephone 404-221-2347, FTS 8-242-2347.

REGION V

Gene Niewoehner, HEW Regional Office, 300 South Wacker Drive, Chicago, Ill. 60606. Telephone 312-353-5182, FTS 8-353-5182.

REGION VI

Jim Kelley or Rick Cline, HEW Regional Office, 1200 Main Tower Building, Dallas, Tex. 75202. Telephone 214-655-4311, FTS 8-729-4311.

REGION VII

Don Belknap, HEW Regional Office, 601 East 12th Street, Kansas City, Mo. 64106. Telephone 816-374-6127, FTS 8-758-5975.

REGION VIII

Rod Underwood, HEW Regional Office, 1961 Stout Street, Denver, Colo. 80202. Telephone 303-837-5591, FTS 8-327-5591.

REGION IX

George Killingsworth, 25th Floor, 100 Van Ness Avenue, San Francisco, Calif. 94102. Telephone 415-557-8582, FTS 8-556-8582.

REGION X

Son Van Do, Arcade Plaza, 1321 Second Avenue, Seattle, Wash. 98101. Telephone 206-442-5734, FTS 8-300-5734.

(1977 Catalog of Federal Domestic Assistance No. 13.769—Special Assistance of Refugees from Cambodia, Vietnam, and Laos in the United States.)

Dated: May 16, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

[FR Doc.78-13965 Filed 5-22-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-627 (FDAA-547-DR)]

CALIFORNIA

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of California (FDAA-547-DR), dated February 15, 1978.

DATED: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of major disaster for the State of California dated February 15, 1978, and amended on March 6, 1978, and March 13, 1978, is hereby further amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 15, 1978:

The County of: Mono.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-14253 Filed 5-22-78; 8:45 am]

[4210-01]

(Docket No. NFD-629 (FDAA-556-DR))

LOUISIANA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FDAA-556-DR), dated May 9, 1978, and related determinations.

DATED: May 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 9, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms and flooding beginning about May 3, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Louisiana to have been adversely affected by this declared major disaster.

The Parishes of: Jefferson, Orleans, St. Bernard, and St. John the Baptist.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Federal Disaster
Assistance Administration.

[FR Doc. 78-14254 Filed 5-22-78; 8:45 am]

[4210-01]

(Docket No. NFD-628 (FDAA-554-DR))

NORTH DAKOTA

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of major disaster declaration for the State of North Dakota (FDAA-554-DR), dated April 17, 1978.

DATED: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of major disaster for the State of North Dakota dated April 17, 1978, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 17, 1978:

The County of: Oliver.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 78-14244 Filed 5-23-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(NM 33352)

NEW MEXICO

Application

MAY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 21 E.,
Sec. 1, lot 2.

This pipeline will convey natural gas across 0.163 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations

[FR Doc. 78-13961 Filed 5-22-78; 8:45 am]

[4310-84]

(NM 33334 and 33343)

NEW MEXICO

Applications

MAY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 28 E.,
Sec. 9, SW¼NE¼ and S¼NW¼.
T. 18 S., R. 28 E.,
Sec. 34, SE¼SW¼.

These pipelines will convey natural gas across 0.600 of a mile of public lands in Chaves and Lea Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-13962 Filed 5-22-78; 8:45 am]

[4310-84]

(NM 33340)

NEW MEXICO

Applications

MAY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for two 4-inch nat-

ural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 S., R. 10 W.,
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

These pipelines will convey natural gas across 0.09 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-13963 Filed 5-22-78; 8:45 am]

[4310-84]

SAFFORD DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on June 29, 1978.

The meeting will begin at 9:30 a.m. in the Conference Room of the Bureau of Land Management, 425 East 4th Street, Safford, Ariz.

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 and 4 p.m. on June 29, 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, 425 East 4th Street, Safford, Ariz. 85546, by June 23, 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 be maintained in the District Office and be available for public inspection and reproductions

(during regular business hours) within 30 days following the meeting.

Dated: May 15, 1978.

GUY E. BAIER,
District Manager.

[FR Doc. 78-14221 Filed 5-22-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Zoological Museum, University of Wisconsin, 2050 N Mills Street, Madison, Wis. 53706.

The applicant requests a permit to import the following species salvaged in Ecuador: galapagos tortoise (*Geochelone elephantopus*) Adults—up to 20; Young—up to 50; Eggs and Embryos—up to 100; Barrington land iguana (*Conolophus pallidus*)—up to 30; Leatherback sea turtles (*Dermochelys coriacea*)—up to 10; Hawksbill sea turtles (*Eretmochelys imbricata*)—up to 10; Galapagos penguins (*Spheniscus mendiculus*)—up to 10; Brown pelicans (*Pelicanus occidentalis*)—up to 20; Galapagos hawk (*Buteo galapagoensis*)—up to 10; Peregrine falcon (*Falco peregrinus*)—up to 4.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2471. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14203 Filed 5-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Ralph T. Heath, Jr., 18323 Sunset Boulevard, Redington Shores, St. Petersburg, Fla. 33708.

The applicant requests a permit to export eight brown pelicans (*Pelicanus occidentalis*) to the Bermuda Government Zoological Park for conservation exhibition. These birds were salvaged from the wild and could not be rehabilitated for release. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-167. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14204 Filed 5-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: L. G. Swartz, Professor and Chairman, Biological Sciences Program, University of Alaska, Fairbanks, Alaska 99701.

The applicant requests a permit to take (harass) peregrine falcons (*Falco peregrinus*) by placement of captive-produced chicks into active nests and conducting nest surveys for scientific purposes enhancing the prospect of survival of the species. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2477. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14205 Filed 5-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Wild Animal Park, Route 1, Box 725E, Escondido, Calif. 92025.

The applicant requests a permit to import two female Asian wild asses

(*Equus hemionus*) that are the result of captive breeding at the Tierpark Zoo in Berlin, West Germany, for enhancement propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2498. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14206 Filed 5-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications by June 22, 1978, by submitting written data, views, or arguments to the Director at the above address:

Applicant: Thomas Sherman Carter (PRT 2-2473), P.O. Box 875, Mertzon, Tex. 76941.

Applicant: Mosquito Creek Game Farm (PRT 2-2482), Robert and Mary Popple, Route 21, Weyauwega, Wis. 54983.

Applicant: Edward K. Merewether (PRT 2-2489), P.O. Box 9181, Salt Lake City, Utah 84109.

Applicant: Donald F. Pfatenhauer (PRT 2-2479), P.O. Box 227, Star Route, Anza, Calif. 92306.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14207 Filed 5-22-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 12, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 2, 1978.

WILLIAM J. MURTAGH,
Keeper of the
National Register.

ALASKA

Juneau Division

Juneau, Holy Trinity Church, 325 Gold St.

CALIFORNIA

Orange County

San Juan Capistrano, Los Rios Street,
31600-31921 Los Rios St.

COLORADO

Grand County

Grand Lake vicinity, Shadow Mountain
Lookout, SE of Grand Lake on Rocky
Mountain National Park

Larimer County

Estes Park vicinity, Leiffer House, S of Estes
Park on CO 7

CONNECTICUT

Fairfield County

Darien, Pond-Weed House, 2591 Post Rd.
Stamford, Cove Island Houses, Cove Rd.
and Weed Ave.
Stamford, Knap, John, House, 984 Still-
water Rd.

Hartford County

Hartford, Charter Oak Bank Building, 114-
124 Asylum St.
Hartford, Perkins-Clark House, 49 Wood-
land St.
Hartford, Stackpole, Moore and Tryon
Building, 105-115 Asylum St.
Southington vicinity, Lake Compounce Car-
ousel, W of Southington on Lake Ave.

Middlesex County

Westbrook vicinity, Lay-Pritchett House, N
of Westbrook on CT 145

New London County

Stonington, Stonington High School,
Church St.

Windham County

Chaplin, Chaplin Historic District, Chaplin
St.

DISTRICT OF COLUMBIA

Washington

Dupont Circle Historic District, roughly
bounded by Florida and Rhode Island
Aves., T, 17th, 21st, and 22nd Sts.
Sixteenth Street Historic District, 16th St.
between Scott Circle and Florida Ave.,
NW

IDAHO

Canyon County

Caldwell, Academy Building, College of
Idaho, 1015 Albany St.
Caldwell, Caldwell Carnegie Library, 1101
Cleveland Blvd.
Nampa vicinity, Horse Barn, NE of Nampa
at Idaho State School and Hospital

Valley County

McCall, Brown Tie and Lumber Company
Mill and Burner, off ID 55 at Payette
Lake

ILLINOIS

Randolph County

Schuline vicinity, Charter Oak Schoolhouse,
W of Schuline

LOUISIANA

Calcasieu Parish

Lake Charles, Arcade Theater, 822 Ryan St.

MICHIGAN

Marquette County

Marquette, Arch and Ridge Streets Historic
District, area on both sides of Arch and
Ridge Sts. from Lake Superior to Front
St.

MONTANA

Ravalli County

Hamilton, Daly, Marcus, Memorial Hospital,
211 S. 4th St.

NEW HAMPSHIRE

Hillsborough County

Manchester, Smyth Tower, 718 Smyth Rd.

NEW JERSEY

Burlington County

Chesterfield vicinity, Singleton-Lathem-
Large House, NW of Chesterfield on NJ
528

Essex County

Newark, Murphy Varnish Works,
McWhorter, Vesey, and Chestnut Sts.

Morris County

Morristown vicinity, Thorne and Eddy Es-
tates, E of Morristown on Columbia Rd.

Somerset County

Bernardsville, Parker, John, Tavern, 2 Mor-
ristown Rd.

NEW MEXICO*Rio Arriba County*

Cordova, *San Antonio de Padua del Quemado Chapel*, off NM 76

NEW YORK*Albany County*

Green Island, *St. Mark's Episcopal Church*, 69-75 Hudson Ave.

Chemung County

Elmira, *Chemung Canal Bank Building*, 415 E. Water St.

Chenango County

Norwich, *North Broad Street Historic District*, Broad St. between Newton Ave. and Cortland St.

NORTH CAROLINA*Mecklenburg County*

Charlotte, *Jonas, Charles R., Federal Building*, 401 W. Trade St.

PENNSYLVANIA*Lancaster County*

Strasburg vicinity, *Pennsylvania Railroad Collection*, Railroad Museum of Pennsylvania on PA 741.

Northumberland County

Sunbury vicinity, *Snyder, Caspar, House (Blue Ball Tavern)*, S of Sunbury on PA 147.

TENNESSEE*Hamilton County*

Chattanooga, *St. Paul's Episcopal Church*, 7th and Pine Sts.

Warren County

McMinnville vicinity, *Myers Mound*, S of McMinnville.

TEXAS*El Paso County*

El Paso, *First Mortgage Company Building*, 109 N. Oregon St.

Harris County

Houston, *Rice Hotel*, Main St. and Texas Ave.

Harrison County

Leigh vicinity, *Mimosa Hall*, S of Leigh off SR 134.

UTAH*Salt Lake County*

Salt Lake City, *Capitol Building*, Capitol Hill.

Salt Lake City, *Exchange Place Historic District*, Exchange Pl. and S. Main St.

Salt Lake City, *Judge Building*, 8 E. 300 South.

Salt Lake City, *Ladies Literary Club Clubhouse*, 850 E. South Temple.

Salt Lake City, *Nelden, William A., House*, 1172 E. 100 South.

Summit County

Park City, *Main Street Historic District*, Main St.

Park City, *Park City Union Pacific Railroad Depot*, 102 Pacific Ave.

VERMONT*Addison County*

Addison, *Addison Baptist Church*, Jct. VT 22A and VT 17.

Ferrisburg vicinity, *Hawley's Ferry House*, NW of Ferrisburg on Kingsland Bay.

Chittenden County

Burlington, *First Methodist Church of Burlington*, S. Winooski Ave.

Rutland County

Sudbury, *Sudbury School #3*, Jct. VT 30 and VT 73.

WASHINGTON*Douglas County*

Bridgeport vicinity, *Rufus Woods Lake Archeological District*, along Columbia from Rufus Woods Lake E to Elmer City (also in Okanogah County).

[FR Doc. 78-13562 Filed 5-22-78; 8:45 am]

[4410-01]**DEPARTMENT OF JUSTICE****UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION EIGHTH CIRCUIT PANEL****Meeting**

Chairman: Lawrence J. Hayes.

The schedule of meetings for the Eighth Circuit of the United States Circuit Judge Nominating Commission is as follows:

(1) A meeting to discuss candidates for the vacancy available on the Eighth Circuit Court of Appeals will be held on May 23, 1978, in St. Louis, Mo., at the Breckenridge Pavillion Hotel at 9 a.m.

(2) A second meeting to interview applicants and select possible candidates will be held at the same location on June 2 and 3, 1978, at 9 a.m.

Both of these meetings will be closed to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6)).

JOSEPH A. SANCHES,
Advisory Committee,
Management Officer.

MAY 2, 1978.

[FR Doc. 78-13964 Filed 5-22-78; 8:45 am]

[4410-18]**Law Enforcement Assistance Administration****CHAMPAIGN COUNTY, ILL.: ADMINISTRATIVE APPEAL****Hearing**

Notice is hereby given that the administrative appeal of Champaign County, Ill., on the denial of an LEAA discretionary grant for the construction of a corrections/court complex

will be heard on May 25, 1978, at 10 a.m. The location of the hearing will be the Federal Court House Building/Dirksen Building, Room 1669, 219 South Dearborn Street, Chicago, Ill. The hearing will be presided over by Administrative Law Judge James W. Mast of the Department of Housing and Urban Development and will be open to the public.

For further information call Jay A. Brozost, Office of General Counsel, LEAA at 202-376-3691.

CHARLES A. LAUER,
Deputy General Counsel.

[FR Doc. 78-14222 Filed 5-22-78; 8:45 am]

[4410-18]**WHITE COLLAR CRIME DATA****Solicitation**

The National Institute of Law Enforcement and Criminal Justice announces a competitive grant program aimed at research and analysis on white collar crime data sources focusing primarily on those sources at the Federal level. The anticipated project would identify, describe, and assess the uses and limitations of a number of major data sources relevant to white collar crime, and produce reports on the findings.

The solicitation requests the submission of proposals to be postmarked no later than July 7, 1978. One grant is planned to be awarded by September 29, 1978, with funding support not to exceed \$250,000 and 15 months in duration. Because this is a research grant program, profitmaking organizations are prohibited by LEAA policy from receiving funding support.

A copy of the solicitation can be obtained by sending a self addressed mailing label to: WCC Data Sources, CCP Division, NILECJ, 633 Indiana Avenue NW., Washington, D.C. 20531.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 78-14301 Filed 5-22-78; 8:45 am]

[4510-28]**DEPARTMENT OF LABOR****Office of the Secretary****INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE**

Petitions have been filed with the 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 Assist-

ance, 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 eligi-

ble to apply for adjustment assistance under title II, chapter 2, of the Act in accordance with the provisions of subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 1978.

Interested persons are invited to submit written comments regarding

the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Auto Village, Inc. (company).....		Apr. 27, 1978	Apr. 14, 1978	Youngstown, Ohio TA-W-3,572.....	Selling of General Motors, Fords and other executive cars.
Bancroft Industries (United Hatters, Cap and Millinery Workers International Union).....	Cabot, Ark.....	Apr. 25, 1978	Apr. 13, 1978	TA-W-3,573.....	Military headwear.
Brown Shoe Co. (workers).....	Caruthersville, Mo.....	do.....	Apr. 22, 1978	TA-W-3,574.....	Ladies' shoes.
Lady Prestige, Inc. (workers).....	Boston, Mass.....	Apr. 28, 1978	Apr. 13, 1978	TA-W-3,575.....	Ladies' sportswear.
M & O Sportswear (workers).....	Paterson, NJ.....	Apr. 19, 1978	Apr. 17, 1978	TA-W-3,576.....	Boys' and girls' jackets.
Dom Rose Fashions, Inc. (ILGWU).....	Newburgh, NY.....	Apr. 28, 1978	Apr. 24, 1978	TA-W-3,577.....	Ladies' rainwear.
United Sportswear (workers).....	Somersville, Mass.....	do.....	Apr. 25, 1978	TA-W-3,578.....	Ladies' sportswear.

[FR Doc. 78-14169 Filed 8-22-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2950]

ALTON BOX BOARD CO., ST. LOUIS, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2950: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978, in response to a worker petition received on January 9, 1978, which was filed by the Printing Specialties & Paper Products Union on behalf of workers and former workers producing shoe boxes at the St. Louis, Mo., plant of the Alton Box Board Co.

The notice of investigation was published in the **FEDERAL REGISTER** on

February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the Alton Box Board Co., the U.S. Department of Treasury, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The St. Louis, Mo., plant of the Alton Box Board Co. produces rigid and folding shoe boxes which are sold to manufacturers throughout the Midwest.

Imports of rigid boxes are not separately identifiable in the official trade statistics. Folding boxes and paperboard are classified under TSUS item 256.5400, "Boxes, Paper, Paperboard, and Paper Mache, NES." A survey of industry sources and U.S. Customs officials and a review of U.S. Customs invoices indicated that there are no imports of shoe boxes into the United States.

Workers filing this petition allege that increased imports of shoes contained in boxes have contributed importantly to the separation of workers at the St. Louis plant of the Alton Box Board Co. Although an unknown quantity of imported shoes are shipped in boxes, those packaged shoes are not like or directly competitive with the boxes produced by Alton.

CONCLUSION

After careful review I conclude that all workers at the St. Louis, Mo., plant of the Alton Box Board Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14170 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3115]

AMERICAN BRUSH CO., INC., BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3115: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 13, 1978, in response to a worker petition received on January 26, 1978, which was filed on behalf of workers and former workers producing paint brushes at the American Brush Co., Inc., Boston, Mass. During the course of the investigation it was determined that paint rollers are also produced.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8207). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Brush Co., Inc., the American Brush Manufacturers' Association, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof and to the absolute decline in sales or production.

American Brush Co., Inc., was established in 1923 in Boston, Mass., to manufacture paint brushes and rollers primarily for residential and industrial uses. No artist brushes are produced.

Imports of paint brushes and rollers, have comprised less than two percent of the domestic market since 1973. Further, most imported brushes are either flat or round short bristle brushes without adequate paint-carrying ability for residential or industrial

painting jobs. Imported brushes are primarily used for artistic purposes.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at American Brush Co., Inc., Boston, Mass., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14171 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3376]

ANTHONY SPORTSWEAR, BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3376: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1978, in response to a worker petition received on March 6, 1978, which was filed on behalf of workers and former workers producing ladies' sportswear at Anthony Sportswear, Boston, Mass.

The notice of investigation was published in the FEDERAL REGISTER on March 28, 1978 (43 FR 12967). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Anthony Sportswear, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production data are equal. Production, in terms of 1975 dollars, increased from 1975 to 1976 and from 1976 to 1977. Production also increased in the first quarter of 1978 compared to the same period in 1977. Production increased in each of the four most recent quarters when compared to the respective quarter of the

previous year, and increased in March 1977 compared to March 1976.

CONCLUSION

After careful review, I conclude that all workers at Anthony Sportswear, Boston, Mass., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14172 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2854]

ARMCO STEEL CORP., MARION, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2854: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 5, 1978, in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing hot rolled bars, reinforcing bars, and steel posts for fences at the Marion, Ohio, Works of Armco Steel Corp. During the course of the investigation it was established that the plant also produces steel posts for signs.

The notice of investigation was published in the FEDERAL REGISTER on January 20, 1978 (43 FR 2952). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Marion Works of Armco Steel 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. With respect to the workers producing concrete reinforcing bar and hot rolled carbon steel bars and structural shapes, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both of such firm or subdivision have decreased absolutely.

The Department's investigation revealed that annual sales of reinforcing bar increased in terms of both quantity and value in 1976 compared to 1975 and in 1977 compared to 1976. Plant production of reinforcing bars increased each year during the 1975-77 period.

The Department's investigation also revealed annual sales of hot rolled bars increased in terms of both quantity and value in 1977 compared to 1976. Production of these products increased each year during the 1975-77 period.

With respect to workers producing steel sign and fence posts, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that none of the customers surveyed, which account for a substantial proportion of the subject firm's sales of sign and fence posts, indicated that they purchased imports of steel sign or fence posts during period from 1975 through 1977.

After careful review of the facts obtained in the investigation, I conclude that all workers of the Marion, Ohio, plant of the Armco Steel Corp. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14173 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2645]

AVTEX FIBERS, INC., NITRO, W. VA.

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-2645: 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 rayon staple fiber at the Nitro, W. Va., plant of Avtex Fibers, Inc.

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 Avtex Fibers, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of rayon and acetate staple and tow fibers increased from 37.9 million pounds in 1975 to 43.2 million pounds in 1976, an increase of 14.0 percent. During the January-September period of 1977, imports increased to 48.0 million pounds from 32.9 million pounds for the same period in 1976, representing an increase of 45.9 percent. The ratio of imports to domestic production decreased from 9.9 percent in 1975 to 8.9 percent in 1976. During the January-September period of 1977, the ratio of imports to domestic production increased to 11.8 percent from 9.1 percent during the same period of 1976.

A survey of customers of Avtex Fibers, Inc., indicated that major customers decreased their purchases of rayon staple fiber from the subject firm and other domestic sources while increasing imports 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 rayon staple fibers produced at the Nitro, W. Va., plant of Avtex Fibers, Inc., contributed importantly to the decline in sales and production and to the total or partial separation of workers of that plant.

In accordance with the provisions of the Act, I make the following certification:

All workers at the Nitro, W. Va., plant of Avtex Fibers, Inc., who became totally or partially separated from employment on or after August 26, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14174 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2874]

BETHLEHEM STEEL CORP., BURNS HARBOR PLANT, CHESTERTON, IND.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2874: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978, in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at the Burns Harbor plant of Bethlehem Steel Corp., Chesterton, Ind. It was subsequently determined that this plant produces basic steel products, from which produces cold and hot rolled sheet and strip, steel plates, and tin mill products.

The petition was dated November 1, 1977. Because the petition was received on December 19, 1977, more than 30 days after the petition date, the postmark date of December 15, 1977, will be used as the date of the petition.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average annual employment increased in 1977 compared to 1976. Average hours worked showed no change in 1977 compared to 1976. Currently, there is no threat of future separations evident.

Some workers were laid off in July 1977 while a blast furnace was being relined. These workers were all recalled in July or August. No workers were laid off during 1977 due to production cutbacks or lack of work.

Company officials indicate that no threat of total or partial separation is evident.

CONCLUSION

After careful review I conclude that all workers at the Burns Harbor plant of Bethlehem Steel Corp., Chesterton, Ind., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14175 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2875]

BRISTOL FASHIONS, INC., BRISTOL, R.I.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2875: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978, in response to a worker petition received on December 20, 1977, which was filed on behalf of workers formerly producing ladies' sportswear at Bristol Fashions, Inc., Bristol, R.I.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Fashions, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Bristol Fashions was a contractor of ladies' bottom garments and worked almost exclusively for one manufac-

turer. This manufacturer, which does not import, increased contract work with other domestic contractors while reducing contract work with Bristol Fashions in 1976 and 1977. The manufacturer's sales increased in 1976 and 1977.

CONCLUSION

After careful review I conclude that all workers at Bristol Fashions, Inc., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14176 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3351]

CONSOLIDATED RAIL CORP., YOUNGSTOWN, OHIO, BRIER HILL YARD AND ROAD

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3351: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 15, 1978, in response to a worker petition received on February 6, 1978, which was filed by the United Transportation Union on behalf of workers and former workers engaged in employment related to transporting commodities at the Youngstown, Ohio, Brier Hill Yard and Road of the Consolidated Rail Corp., Pittsburgh, Pa.

The notice of investigation incorrectly stated that the petition was filed by three workers.

The investigation revealed that ConRail is engaged in the rail transportation of freight and passengers.

The notice of investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14774). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Consolidated Rail Corp. and the Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act, must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm pro-

vides services cannot be considered to be the "workers' firm".

The Department's investigation revealed that the Consolidated Rail Corp. (ConRail), a Pennsylvania corporation based in Pittsburgh, is a railroad company operating throughout 17 Eastern states. ConRail is licensed and regulated by the Interstate Commerce Commission as a common carrier. The company offers its transportation services to a wide variety of customers in the market area through which its railroad network extends. ConRail is not engaged in any production operations. ConRail's Brier Hill Yard and Road in Youngstown, Ohio, provided transportation services for various customers.

Workers in this subdivision are engaged in rail transportation operations.

The Youngstown, Ohio, Brier Hill Yard and Road of ConRail is not financially, corporately, or otherwise involved in the business of any of its customers. The workers on whose behalf this petition was filed were hired and are paid by and subject to the control of ConRail personnel only. All employment benefits are provided and maintained by ConRail. Thus, ConRail must be considered the workers' firm.

CONCLUSION

After careful review, I conclude that all workers at the Youngstown, Ohio, Brier Hill Yard and Road of the Consolidated Rail Corp., Pittsburgh, Pa., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14177 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2761]

COPPERWELD CORP. METALLIC DIVISION, GLASSPORT, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2761: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 2, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper-clad and aluminum-clad steel wire products at the Metallic Division of Copperweld Corp., Glassport, Pa.

The Notice of Investigation was published in the *FEDERAL REGISTER* on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Copperweld Corp., the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of insulated electrical conductors containing copper are included in the U.S. tariff schedule under items 688.04. Imports of aluminum-clad steel wire and cable are imported under item 688.20. According to industry sources, there are no known imports of copper-clad and aluminum-clad steel wire products.

CONCLUSION

After careful review, I conclude that workers at the Metallic Division of Copperweld Corp., Glassport, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning
[FR Doc. 78-14178 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2921]

EAGLE CLOTHES, INC., BROOKLYN, N.Y.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2921: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 12, 1978 in response to a worker petition received on December 20, 1977, which was filed by the Window Trimmers and Helpers Union,

on behalf of workers and former workers engaged in the setting up of clothing displays at New York and New Jersey retail stores of Eagle Clothes, Inc.

The notice of investigation was published in the *FEDERAL REGISTER* on February 3, 1978 (43 FR 4695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Eagle Clothes, Inc., the Window Trimmers and Helpers Union 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.

Evidence developed during the Department's investigation revealed that the retail stores owned by Eagle Clothes, Inc. sold men's apparel. It is company policy that at least 70 percent of the volume of apparel sold in the New York and New Jersey stores be purchased from imported sources and domestic sources other than Eagle Clothes, Inc. Window trimmers for Eagle Clothes, Inc. are engaged in the setting up of clothing displays at retail stores that purchased predominantly from domestic sources other than Eagle Clothes, Inc. and from abroad. Since the retail stores handled apparel which was purchased predominantly from sources other than Eagle Clothes, Inc., the stores are not an "appropriate subdivision" of Eagle Clothes, Inc. within the meaning of section 222 of the Trade Act of 1974.

In addition, the window trimmers and the retail stores did not produce any articles and the Department of Labor has previously determined that the performance of services is not included within the term "articles," as used in section 222 (3) of the Act.

CONCLUSION

After careful review, I conclude that all workers, engaged in preparing window and store displays at retail stores owned by Eagle Clothes, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning
[FR Doc. 78-14179 Filed 5-22-78; 8:45 am]

[4510-28]

[TEA-W-2061]

FEDERAL MOGUL CORP., SOUTHFIELD, MICH.

Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report pursuant to section (c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), and a subsequent investigation as authorized under 29 CFR Part 90, a certification, pursuant to section 302(c) of the Trade Expansion Act, was issued for the workers of the Shoemaker Avenue plant of Federal Mogul Corp. on November 5, 1973 (38 FR 31215). Workers at Federal Mogul's Hart Avenue plant were denied certification at that time because the investigation showed that workers in the Hart Avenue plant "were primarily involved in employment related to over 4-inch bearing production and therefore increased imports of 0- to 4-inch tapered roller bearing are not the major factor causing their unemployment or underemployment" (38 FR 31215).

At the request of the Hart Avenue plant workers and on the basis of a showing of additional information, a further investigation was instituted by the Office of Trade Adjustment Assistance pursuant to section 302(c) of the Trade Expansion Act. This investigation indicated that certain workers at the Hart Avenue plant were engaged in employment directly related to the production of the adversely affected articles, and consequently the November 5, 1973, certification was revised August 21, 1975 (40 FR 36633). The revised certification read as follows:

All workers of the Hart Avenue, Detroit, Mich. plant of the Federal Mogul Corp.'s Bower Roller Bearing Division employed in the operation of Inline O.D., I.D. hone machines for the manufacture of 0-4 inch tapered roller bearings who became unemployed or underemployed after August 27, 1972, and before March 1, 1974, are eligible to apply for adjustment assistance under title III, chapter 3 of the Trade Expansion Act of 1962.

On the basis of the Department of Labor's continuing jurisdiction over the November 5, 1973, certification, and on the basis of yet additional information from the workers and Federal Mogul Corp. indicating a greater level of activity at the Hart Avenue plant in the production of under 4-inch roller bearings than previously recognized, the November 5, 1973, certification is revised again to read as follows:

All hourly and salaried workers, excluding hourly and salaried workers of the Bower Room of the Hart Avenue, Detroit, Mich., plant of the Federal Mogul Corp.'s Bower Roller Bearing Division employed in the manufacture of 0-4 inch tapered roller bearings who became unemployed or underem-

played after August 27, 1972, and before March 1, 1974, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 10th day of May 1978.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for International Affairs.

[FR Doc. 78-14180 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3075]

FLORSHEIM SHOE CO., MEXICO, MO.

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-3075: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 7, 1978, in response to a worker petition received on January 25, 1978, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's shoes at the Mexico, Mo., plant of the Florsheim Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7744). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Florsheim Shoe Co., the Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, decreased, in absolute terms, from 1973 to 1974, increased from 1974 to 1975, and increased from 1975 to 1976. Imports decreased 6.5 percent from 1976 to 1977. The ratios of imports to domestic production and consumption increased from 117.9 percent and 54.1 percent, respectively, in 1976 to 122.8 percent and 55.1 percent, respectively, in 1977.

The International Trade Commission recently found that certain footwear articles, including women's nonrubber shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles.

The ratio of imports to domestic production of women's nonrubber

footwear has been greater than 100 percent in each of the past 5 years, reaching a peak level of 122.8 percent in 1977.

Florsheim Shoe Co. began importing women's footwear in November 1975. The company's imports increased 20 percent in quantity from 1976 to 1977. In February 1978, Florsheim discontinued its production of women's shoes at the Mexico plant. As a result, two-thirds of the workers were laid off. The Mexico plant was the last remaining Florsheim plant engaged in the production of women's shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Mexico, Mo., plant of the Florsheim Shoe Co. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Mexico, Mo., plant of the Florsheim Shoe Co. who became totally or partially separated from employment on or after January 20, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14181 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2670]

HAWTHORNE TANNERS, INC., SALEM, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2670: 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 29, 1977, in response to a worker petition received on November 21, 1977, which was filed on behalf of workers and former workers producing tanned sheepskin at Hawthorne Tanners, Inc., Salem, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hawthorne Tanners, Inc., its customers, the U.S. Department of Commerce,

the U.S. International Trade Commission, the Tanning 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. Without regard to whether any of the other criteria have been met the following criterion has not been met.

that sales or production, or both, of such firm or subdivision have decreased absolutely.

Sales at Midwest Steel increased in quantity terms (tons) in 1976 compared to 1975, and increased in 1977 compared to 1976.

Production at Midwest Steel increased in quantity terms (tons) in 1976 compared to 1975, and increased in 1977 compared to 1976.

CONCLUSION

After careful review I conclude that all workers at Portage, Ind., National Steel Corp., Midwest Steel Division, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14182 Filed 5-22-78; 8:45 am]

[4510-28]

TA-W-30831

JAY GARMENT CO., CLARKSVILLE, TENN.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 7, 1978, in response to a worker petition received on January 31, 1978, in which was filed by the Amalgamated Clothing & Textile Workers Union on January 10, 1978, on behalf of workers and former workers producing men's work shirts and one-piece overalls at the Clarksville, Tenn., plant of the Jay Garment Co.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 7744). No public hearing was requested and none was held.

On July 27, 1976, the Department certified as eligible to apply for adjustment assistance all workers at the Clarksville, Tenn., plant of the Jay Garment Co. (TA-W-685). Since workers newly separated, totally or partially, at such plant on or after March 9, 1975 (impact date), and before July 27, 1978 (expiration date of the certification), are covered by an existing certi-

fication, continuation of this investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 15th day of May 1978.

MARVIN M. FOOKS,
Director, Office of Trade
Adjustment Assistance.

[FR Doc. 78-14183 Filed 5-22-78; 8:45 am]

[4510-28]

(TA-W-1559T)

LEEMAR KNITTING MILLS, INC., LONG ISLAND CITY, N.Y.

Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1559T: Investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in section 223(d) of the Act.

On July 26, 1977, workers engaged in employment related to the production of ladies' knit suits of Leemar Knitting Mills, Inc., Long Island City, N.Y., were certified as eligible to apply for trade adjustment assistance. The notice of determination was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39166).

The investigation regarding termination of certification was initiated on March 27, 1978, to determine whether the group of workers specified above continue to meet the group eligibility requirements of section 222 of the Act. The notice of investigation was published in the FEDERAL REGISTER on April 21, 1978 (43 FR 17082).

During the course of the investigation, information was obtained primarily from Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is impor-

tant but not necessarily more important than any other cause.

Whenever it becomes evident that any one of the above criteria is no longer met, the certification as issued should be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification. The investigation reveals that the third criterion is no longer being met with respect to workers at the Leemar Knitting Mills, Inc., Long Island City, N.Y.

During the course of the termination investigation, it was established that in 1977 imports declined to 384,000 dozen, a 5.9 percent decline from the previous year. Imports in 1976 were 408,000 dozen, which was a 1 percent decline from 1975. On preliminary data, the import-to-production ratio declined in 1977 to 10.2 percent down from 11.6 percent in 1976. Therefore, the certification is being terminated because the increased import test is no longer met, either on an absolute or relative basis.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in the production of ladies' knit suits at Leemar Knitting Mills, Inc., Marlee Trim, Inc., and Winmore Knitting Mills, Ltd., Long Island City, N.Y., are no longer attributable to the conditions specified in section 222 of the Trade Act of 1974. In accordance with section 223(d) of the Act, I hereby revise the certification of July 26, 1977, to read as follows:

All workers engaged in employment related to the production of ladies' knit suits at Leemar Knitting Mills, Inc., Marlee Trim, Inc., and Winmore Knitting Mills, Ltd., Long Island City, N.Y., who became or will become totally or partially separated on or after December 19, 1975, and before June 1, 1978, be certified eligible to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became or will become totally or partially separated from employment related to the production of ladies' knit suits at Leemar Knitting Mills, Inc., Marlee Trim, Inc., and Winmore Knitting Mills, Ltd., Long Island City, N.Y., on or after June 1, 1978, are denied certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14184 Filed 5-22-78; 8:45 am]

[4510-28]

(TA-W-2945)

MALDEN KNITTING MILLS, INC., MALDEN, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2945: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 23, 1978 in response to a worker petition received on January 9, 1978, which was filed on behalf of workers and former workers producing men's sweaters at the Malden, Mass. plant of Malden Knitting Mills, Inc.

The notice of investigation was published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Malden Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

that sales or production, or both, of such firm or subdivision have decreased absolutely;

The Department's investigation revealed that sales and production of sweaters at the Malden, Mass. plant of Malden Knitting Mills, Inc. increased in 1976 compared to 1975, and increased in 1977 compared to 1976.

CONCLUSION

After careful review, I conclude that all workers at the Malden, Mass. plant of Malden Knitting Mills, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14185 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3368]

MARSHALL RAY CORP., TROY, N.Y.**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 20, 1978 in response to a worker petition received on February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on February 16, 1978 on behalf of workers and former workers producing men's sportcoats at the Marshall Ray Corp., Troy, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14776). No public hearing was requested and none was held.

On July 27, 1976, the Department certified as eligible to apply for adjustment assistance all workers at the Marshall Ray Corp., Troy, N.Y. (TA-W-686). Since workers newly separated, totally or partially, at such plant on or after March 8, 1975 (impact date) and before July 27, 1978 (expiration date of the certification) are covered by an existing certification, continuation of this investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 15th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc. 78-14186 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2979]

NATIONAL STEEL CORP., GRANITE CITY STEEL DIVISION, GRANITE CITY, ILL.**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2979: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 10, 1978 filed by the United Steelworkers of America on behalf of workers and former workers producing coke, iron, steel and flat rolled products at National Steel Corp., Granite City Steel Division, Granite City, Ill. The investigation revealed that the Granite City Steel Division produced cold rolled, hot rolled and galvanized flat rolled steel products.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No

public hearing was requested and none was held.

Workers at National Steel Corp., Granite City Steel Division were denied eligibility to apply for adjustment assistance in a previous notice of Determination issued on May 16, 1977 (TA-W-1502).

The information upon which the determination was made was obtained principally from officials of National Steel Corp., the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average hourly employment at Granite City Steel Division increased from 1975 to 1976 and increased from 1976 to 1977. Average hourly employment increased in each quarter of 1977 compared to the same quarter of the previous year. Under the contract negotiated with the United Steelworkers of America, Granite City Steel Division is obligated to lay off employees rather than schedule work less than 40 hours per week.

CONCLUSION

After careful review I conclude that all workers at National Steel Corp., Granite City Steel Division, Granite City, Ill. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14187 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3105]

NATIONAL STEEL CORP. MIDWEST STEEL DIVISION, PORTAGE, IND.**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3105: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978 in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing flat rolled sheet steel at National Steel Corp., Midwest Steel Division, Portage, Ind.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midwest Steel, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Aggregate imports of tanned and finished sheepskin rose from 12,690 thousand square feet in 1975 to 18,744 thousand square feet in 1976. Imports decreased from 15,322 thousand square feet in the first three quarters of 1976 to 12,946 thousand square feet for the same period in 1977, a decrease of 15.5 percent. The ratio of imports to domestic production for tanned and finished sheepskin increased from 15.5 percent in 1975 to 23.4 percent in 1976 and then decreased from 24.6 percent in the first three quarters of 1976 to 23.1 percent for the same period in 1977.

The United States is a large exporter of tanned and finished sheepskin. In the first 9 months of 1977, exports represented 97 percent of U.S. production of sheepskin. Imports of sheepskin, which had declined each year from 1972 to 1975, before increasing in 1976, fell 15.5 percent in the first 9 months of 1977 compared to the same period in 1976. U.S. consumption of sheepskin fell sharply in the first 9 months of 1977, decreasing 58.2 percent compared to the same period in 1976. This is primarily due to a shift to less expensive leather and non-leather substitutes.

A survey of customers that purchased tanned sheepskin produced by Hawthorne Tanners revealed that most did not purchase imports. Most of those that reduced purchases from

Hawthorne shifted to other domestic sources. Some reduced purchases because of a decrease in demand for sheepskin leather garments.

CONCLUSION

After careful review, I conclude that all workers at Hawthorne Tanners, Inc., Salem, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14188 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3154]

NEIMAN TOOL AND MACHINE, SULLIVAN, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3154: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 13, 1978 in response to a worker petition received on January 13, 1978 filed on behalf of former workers performing precision machining for the atomic energy and guided missile programs at Neiman Tool and Machine, Sullivan, Mo. During the course of the Department's investigation it was revealed that Neiman Tool and Machine also did machining for other programs.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8862). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Neiman Tool and Machine, its customers, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

A survey of customers for whom Neiman Tool and Machine did con-

tract work was conducted by the Department. All customers reported that due to the nature of their work (i.e. atomic energy, defense or aerospace related projects) they could not, by law, purchase any imported components.

CONCLUSION

After careful review I conclude that all workers at Neiman Tool and Machine, Sullivan, Mo. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14189 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2766]

OMEGA LAST CO., ST. LOUIS, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2766: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 5, 1977, which was filed on behalf of workers and former workers producing heels, soles and lasts at Omega Last Co., St. Louis, Mo.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Omega Last Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey of the footwear manufacturer whose purchases from Omega

Last constituted nearly all of Omega Last's sales and production indicated that this customer purchased soles, heels and lasts from Omega Last exclusively and did not purchase these items from any other domestic or foreign source. The decline in sales and production at Omega Last in the latter part of 1977 was due to the decrease in purchases by this footwear manufacturer and the subsequent shutdown of this manufacturer's production facilities. There is no corporate relationship between this manufacturer and Omega Last Co. Imports of footwear are not like or directly competitive with soles, heels and lasts within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review I conclude that all workers at Omega Last Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14190 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3386]

PHILADELPHIA, BETHLEHEM & NEW ENGLAND RAILROAD CO., BETHLEHEM, PA.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 21, 1978 in response to a worker petition received on March 6, 1978 which was filed by the United Transportation Union on behalf of workers and former workers engaged in transporting materials for Bethlehem Steel Corp. at the Philadelphia, Bethlehem & New England Railroad Co., Bethlehem, Pa.

Notice of the investigation was published in the FEDERAL REGISTER on March 28, 1978 (43 FR 12967). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Philadelphia, Bethlehem & New England Railroad Co. were previously certified eligible to apply for adjustment assistance on August 27, 1976 (See Notice of Determination in "Bethlehem Steel Corporation" TA-W-924).

The existing certification will expire on August 27, 1978 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date

(May 15, 1975) and before the certification expiration date (August 27, 1978) a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 2nd day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc. 78-14191 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2752]

PULLMAN STANDARD, BUTLER, PA.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2752: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 8, 1977 in response to a worker petition received on November 28, 1977, which was filed on behalf of workers and former workers producing railroad freight cars at Pullman Standard, Butler, Pa.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65307). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Pullman Standard, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that Pullman Standard produced only hopper freight cars. Imports of freight cars were negligible from 1972 through 1976. In the first 9 months of 1977, imports increased due to the action of one U.S. railroad, ordering, from Mexico, gondola and box cars, which are not like or directly competitive with hopper cars. Subtracting this railroad's order from U.S. imports shows that imports of other types of

freight cars, including hopper cars, remained negligible for the first three quarters of 1977, as compared to the same period of 1976.

Furthermore, the workers at Pullman Standard are seeking trade adjustment assistance benefits for unemployment experienced during the first 6 months of 1976. Section 223(b)(1) of the Trade Act of 1974 denies benefits to workers separated more than 1 year prior to the date of the petition. The petition was dated November 21, 1977.

The petitioners allege that imports of welding rods, welding flux, wheels and air brake parts used in the production of hopper cars contributed to the separations at the Butler plant. Such parts were never manufactured at Butler but were purchased from outside sources for use in the production of hopper cars.

CONCLUSION

After careful review I conclude that all workers at Pullman Standard are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14192 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2641]

REED FOREST PRODUCTS, INC. CHEEKTOWAGA, 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-2641: 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 21, 1977 in response to a worker petition received on November 10, 1977 which was filed on behalf of workers and former workers producing wallpaper at Reed Forest Products, Inc., Cheektowaga, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Reed Forest Products, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Imports of wallpaper increased from 19.8 million dollars in 1975 to 33.8 million dollars in 1976 and 40.3 million dollars in 1977.

The ratio of imports of wallpaper to domestic production increased from 10.6 percent in 1975 to 16.3 percent in 1976.

The Cheektowaga plant supplements its domestic line with imported wallpaper. The plant has increased its import purchases in recent years. Imports of finished wallpaper as a percentage of total plant sales increased from 4 percent in value in 1975 to 19 percent in 1976 and 22 percent in 1977.

Customers of the Cheektowaga plant who were surveyed indicated that they are increasing purchases of imported wallpaper. Purchases from other domestic sources as well as from Reed are also supplied by foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with wallpaper produced by Reed Forest Products, Inc., Cheektowaga, N.Y. contributed importantly to the decline in sales and production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Reed Forest Products, Inc., Cheektowaga, N.Y. who became totally or partially separated from employment on or after November 4, 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 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14193 Filed 5-12-78; 8:45 am]

[4510-28]

[TA-W-2574]

REGENCY ELECTRONICS, INC., INDIANAPOLIS, IND.

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-2574: 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 by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers producing transceivers and scanners at Regency Electronics, Inc., Indianapolis, Ind.

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 Regency Electronics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Imports of scanners increased from 190 thousand units in 1976 to 213 thousand units in 1977.

Customers of Regency Electronics who were surveyed indicated they increased purchases of imports of scanners in 1976 and 1977 while decreasing purchases from Regency Electronics during the same period. Several customers indicated that a large proportion of the scanners purchased from domestic supplies were manufactured offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with scanners produced by Regency Electronics, Inc., Indianapolis, Ind. contributed importantly to the decline in sales and production and to the separation of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification.

All workers of Regency Electronics, Inc., Indianapolis, Ind. who became totally or partially separated from employment on or after October 26, 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 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14194 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2958]

RELIABLE COAT CO., INC., SOMERSET, 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-2958: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978 in response to a worker petition received on January 9, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at the Reliable Coat Co., Inc., Somerset, N.J.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Reliable Coat Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's coats and jackets increased from 1,517,000 dozen in 1975 to 2,252,000 dozen in 1976. U.S. imports increased from 1,680,000 dozen in the first nine months of 1976 to 2,081,000 dozen in the first nine months of 1977.

The ratio of imported women's, misses' and children's coats and jackets to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

A survey of the sole manufacturer that contracted work to Reliable Coat indicated that this manufacturer increased purchases of imported ladies' coats in 1977 while decreasing contract work with Reliable Coat.

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' coats produced by the Reliable Coat Co., Inc., Somerset, N.J. contributed importantly to the decrease in sales and production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Reliable Coat Co., Inc., Somerset, N.J. who became totally or partially separated from employment on or after January 4, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14195 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2862]

ROBERT SHOE CO., INC., LANCASTER, N.H. AND SOMERSWORTH, N.H.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2862: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 5, 1978 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing suede boots and athletic shoes at the Lancaster, N.H. plant of the Robert Shoe Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 20, 1978 (43 FR 2952-3). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Robert Shoe Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, National Footwear Manufacturers' Association, and Department files.

During the course of the investigation, the Department determined that the Lancaster, N.H. plant of the Robert Shoe Co., Inc. does not manufacture finished footwear but stitches uppers used in the construction of finished footwear at the Somersworth, N.H. plant of the Robert Shoe Co., Inc. and, as such, was part of an integrated production process. This petition is expanded to cover workers engaged in employment related to the production of warm-lined boots and athletic footwear at the Somersworth, N.H. plant of the Robert Shoe Co., Inc.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

Imports of women's boots are included in the market basket women's non-rubber footwear, except athletic. Imports of women's non-rubber footwear, except athletic remained constant from 1975 to 1976 and decreased 8.9 percent in the first 9 months of 1977 compared to the like period in 1976. The ratios of imports to domestic production and consumption increased from 119.9 percent and 54.5 percent respectively, in the first nine months of 1976 to 124.9 percent and 55.5 percent, respectively, in the first 9 months of 1977.

Imports of athletic footwear increased 106.6 percent from 1975 to 1976 and increased 55.2 percent in the first 9 months of 1977 compared to the like period in 1976. The ratios of imports to domestic production and consumption increased from 345.3 percent and 77.5 percent respectively, in the first 9 months of 1976 to 522.1 percent and 83.9 percent, respectively, in the first 9 months of 1977.

The import data are not reflective of the footwear produced by Robert Shoe. Warm-lined boots, which account for approximately 90 percent of total production of Robert Shoe, constitute a minor portion of the market basket "Women's Nonrubber Footwear, Except Athletic." According to a company official, Robert Shoe's boots are in competition with European-produced boots which are subject to labor costs comparable to those of domestic manufacturers and don't enjoy labor cost advantages of foreign producers in other footwear lines.

Beginning in 1974, Robert Shoe has, within the athletic footwear portion of its product mix which represents about 10 percent of production, shifted from low-priced to higher priced lines of athletic footwear. Import competition at the low-priced end of the market from imported sneakers and deck shoes led Robert Shoe to produce higher-priced lines of athletic footwear such as baseball, basketball and bowling shoes.

The Department surveyed customers of Robert Shoe who purchased women's warm-lined boots and athletic footwear. Respondents to the survey did not purchase imported warm-lined boots or athletic footwear in 1977.

Further, the average number of production workers of Robert Shoe Co. increased in 1976 compared to 1975 and in 1977 compared to 1976. Average weekly hours worked increased in 1976 over the previous year and declined by less than 5 percent in 1977 compared to 1976.

CONCLUSION

After careful review, I conclude that all workers at the Lancaster, N.H., and Somersworth, N.H., plants of the Robert Shoe Co., Inc., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14196 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2502]

VESUVIUS CRUCIBLE CO., SWISSVALE, PA.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2502: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 25, 1977 in response to a worker petition received on October 17, 1977 which was filed by the United Steelworkers of America on behalf of all workers producing refractory and graphite refractory products including crucibles and stopper heads at the Swissvale, Pa. plant of Vesuvius Crucible Co.

The Notice of Investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vesuvius Crucible Co., the National Labor Relations Board, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The date of the petition is October 1, 1977 and the earliest possible impact date would be October 1, 1976. The Department's investigation revealed

that there were no separations at the plant during October 1976. The investigation further revealed that all separations beginning November 1, 1976 to date, were caused by a strike of workers at the Swissvale plant.

CONCLUSION

After careful review, I conclude that all workers at the Swissvale Pa. plant of Vesuvius Crucible Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14197 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2505]

ARMCO STEEL CORP., ZANESVILLE, OHIO

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2505: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1977 in response to a worker petition received on October 18, 1977, which was filed on behalf of workers and former workers producing silicon steel sheet and strip at the Zanesville, Ohio plant of Armco Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel 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 Trade Act of 1974 must be met.

Without regard to whether any of the other criteria have been met, the following criterion was not met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Office of Trade Adjustment Assistance conducted a survey of some of

the customers of the Zanesville plant that purchased silicon steel sheet and strip. Those customers who reduced purchases of silicon steel sheet and strip from this plant and increased purchases of imported silicon steel sheet and strip accounted for less than one percent of Zanesville sales in the first three quarters of 1977. Most customers reported that they did not buy imported silicon steel.

Further, sales, production, and employment increased from 1976 to 1977.

CONCLUSION

After careful review I conclude that all workers at the Zanesville, Ohio plant of Armco Steel Corp. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14348 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3255; TA-W-3256]

CLASSY LEATHER GOODS CORP.,
MIDDLETOWN, N.Y., 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-3255 and TA-W-3256: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1978 in response to a worker petition received on February 14, 1978 which was filed on behalf of workers and former workers producing ladies' handbags at Classy Leather Goods Corp., Middletown, N.Y. (TA-W-3255) and New York, N.Y. (TA-W-3256).

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Classy Leather Goods 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. It is concluded that all of the requirements have been met.

Imports of ladies' handbags have increased both absolutely and relative to domestic production from 1975 through 1977. The ratio of imports to domestic production was 73.5 percent in 1975, increasing to 111.1 percent in 1976 and 119.7 percent in 1977.

A customer survey conducted by the U.S. Department of Commerce revealed that customers who decreased purchases from Classy Leather Goods Corp. increased purchases of imported handbags.

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' handbags produced at Classy Leather Goods Corp., Middletown, N.Y. and New York, N.Y. contributed importantly to the decline in sales and production and to the separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Classy Leather Goods Corp., Middletown, N.Y. and New York, N.Y. who became totally or partially separated from employment on or after February 10, 1977 are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14349 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2876]

CLEMO COAT CO., CLEMENTON, 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-2876: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 12, 1977 which was filed by the International Ladies Garment Workers' Union on behalf of workers and former workers producing children's garments at Clemo Coat Co. of Clementon, N.J. The investigation revealed that the garments produced consisted of children's coats.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Clemo Coat Co. and 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 group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of the category including women's, misses' and children's coats and jackets increased from 1,517 thousand dozen in 1975 to 2,252 thousand dozen in 1976, then increased 20.9 percent to 2,723 thousand dozen in 1977. The ratio of imports to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

Clemo Coat Co. produces children's coats under contract exclusively for one manufacturer of juniors' and girls' coats. Purchases of coats from the subject firm by this manufacturer decreased in the fourth quarter of 1977 compared with the fourth quarter of 1976. Customers of this manufacturer increased imports in 1976 compared with 1975 and in 1977 this manufacturer began purchasing children's coats from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the children's coats produced by Clemo Coat Co. of Clementon, N.J. contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Clemo Coat Co. of Clementon, N.J. who became totally or partially separated from employment on or after October 14, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14350 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2651]

CLIFT MANUFACTURING CO., ET AL. BOSTON
AND ORANGE, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2651: 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 of Clift Manufacturing Co., Boston, Mass. The investigation was expanded to include B. & C. Manufacturing Co., Boston, Mass. and B. & S. Manufacturing Co., Orange, Mass., both wholly-owned subsidiaries of Clift Manufacturing Co. The three plants are engaged in the production of men's all-weather coats.

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 officials of Clift Manufacturing Co.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

The average number of production workers at Clift Manufacturing increased 7 percent from 1976 to 1977. Employment increased in each quarter from the fourth quarter of 1976 through the third quarter of 1977. Employment declined 2 percent from the third quarter of 1977 to the fourth. Average weekly hours increased 3 percent from 1976 to 1977.

The average number of production workers at B. & S. Manufacturing increased 14 percent from 1976 to 1977. Employment either increased or remained the same in each quarter from the fourth quarter of 1976 through the fourth quarter of 1977. Average weekly hours remained the same from 1976 to 1977.

The average number of production workers at B. & C. Manufacturing remained the same from 1975 to 1976 and increased 13 percent from 1976 to 1977. Employment either increased or remained the same in each quarter from the fourth quarter of 1976 through the fourth quarter of 1977. Average weekly hours increased 3 percent from 1976 to 1977.

The three plants; Clift, B. & S., and B. & C. have not experienced any layoffs of production workers in recent years and no layoffs are anticipated.

CONCLUSION

After careful review, I determine that workers of Clift Manufacturing

Co., Boston, Mass., B. & C. Manufacturing Co., Boston, Mass., and B. & S. Manufacturing Co., Orange, Mass., are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14351 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3306]

HAAS TAILORING CO., BALTIMORE, MD.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3306: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 7, 1978, in response to a worker petition received on February 21, 1978, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's tailored clothing at the Haas Tailoring Co., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on March 17, 1978 (43 FR 11277). No public hearing was requested and none was held.

On December 15, 1975, the Department issued a certification of eligibility to apply for adjustment assistance for all workers at Haas Tailoring Co.; the certification expired December 15, 1977.

The information upon which the determination was made was obtained principally from officials of the Haas Tailoring Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision, thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average annual employment increased in 1977 compared to 1976 and in the first quarter of 1978 compared

to the same period of 1977. Employment increased in each of the last five quarters compared to the same quarter of the previous year.

Average hours worked by employees of Haas were not reduced to 80 percent or less of the employee's average weekly hours since December 1977.

There is no immediate threat to employment for the workers at Haas.

CONCLUSION

After careful review, I conclude that all workers at the Haas Tailoring Co., Baltimore, Md. are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14352 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2506]

HILO IRON WORKS INC., HILO, HAWAII

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2506: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1977, in response to a worker petition received on October 7, 1977, which was filed by the International Longshoremen and Warehousemen's Union on behalf of workers and former workers fabricating, welding and installing equipment for agricultural use on sugar plantations at Hilo Iron Works, Inc., Hilo, Hawaii.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hilo Iron Works, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

that articles like or directly competitive with those produced by the firm or subdivi-

sion are being imported in increased quantities, either actual or relative to domestic production; and that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Department's investigation revealed that imports of fabricated platework have been less than 1 percent of domestic shipments over the last 5 years.

A survey of Hilo Iron Works' customers revealed that respondents did not purchase imported agricultural equipment or sugar mill equipment and parts. The survey also revealed that customers had decreased purchases of imported miscellaneous fabricated products.

CONCLUSION

After careful review I conclude that all workers at Hilo Iron Works, Inc., Hilo, Hawaii are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14353 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2904]

KEENCAST MANUFACTURING CORP. GRIFFITH,
IND.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2904: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 11, 1978 in response to a worker petition received on December 29, 1977 which was filed by the International Molders and Allied Workers Union, Local 170 on behalf of workers and former workers producing grey iron castings at Keencast Manufacturing Corp., Griffith, Ind. The investigation revealed that Keencast Manufacturing Corp. went into receivership on August 29, 1977 and the assets of the company were purchased by N and A Foundry, Inc. on October 13, 1977.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Keencast Manufacturing Corp., its custom-

ers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of a sample of customers of Keencast Manufacturing Corp. Most of the customers surveyed did not purchase any imported castings in 1976 or 1977.

CONCLUSION

After careful review I conclude that all workers at Keencast Manufacturing Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14354 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3369]

MIL GARMENT CO., INC. RED BANK, 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-3369: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 20, 1978 in response to a worker petition received on February 3, 1978 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing women's coats at Mil Garment Co., Inc., Red Bank, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mil Garment Co., Inc., its customers, the U.S. Department of Commerce, the U.S. In-

ternational Trade Commission, Industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of "Women's, Misses' and Children's Coats", increased absolutely and relative to U.S. production from 1975 to 1976 and continued to increase absolutely from 1976 to 1977.

Mil Garment Co. produced women's coats exclusively for one manufacturer. During the period 1976 to 1977 this manufacturer reduced its contracts with Mil Garment and increased its purchases of imported coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's coats produced by Mil Garment Co., Inc., Red Bank, N.J. contributed importantly to the sales and production declines and to the total or partial separations of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Mil Garment Co., Inc., Red Bank, N.J. who became totally or partially separated from employment on or after January 26, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14355 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2764]

MILWAUKEE TOOL & EQUIPMENT CO., INC.,
MILWAUKEE, WIS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2764: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 5, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing vises at Milwaukee Tool & Equipment Co., Inc., Milwaukee, Wis. The investigation revealed that clamps, jack-

screws and plumbing tools were also produced.

The notice of investigation was published in the *FEDERAL REGISTER* on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Milwaukee Tool & Equipment Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Hand Tool 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 Trade Act of 1974 must be met. With respect to workers producing clamps without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that the value of company sales of plant produced clamps increased 29.3 percent from 1976 to 1977. Production is based upon customer orders and is equivalent to company sales.

With respect to workers producing jackscrews without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that imports of jackscrews are nonexistent or negligible according to U.S. Customs and industry sources.

Customers representing a substantial proportion of the subject firm's sales of jackscrews indicated no purchases of imported jackscrews.

With respect to workers producing plumbing tools without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that the value of company sales of plant produced plumbing tools increased 5.5 percent from 1976 to 1977. Production is based upon customer orders and is equivalent to company sales.

With respect to workers producing vises all of the group eligibility requirements of section 222 of the Act have been met.

Imports of vises increased in quantity from 720 thousand in 1975 to 1,449 thousand in 1976 and further increased to 1,918 thousand in 1977. The ratio of imports to domestic production increased from 157.9 percent in 1975 to 293.9 percent in 1976 and to 448.1 percent in 1977.

A survey of customers indicated that customers accounting for a substantial proportion of Milwaukee Tool's sales of vises increased purchases of imported vises while decreasing purchases from Milwaukee Tool from 1976 to 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 vises produced at Milwaukee Tool & Equipment Co., Inc. contributed importantly to the decrease in sales and to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Milwaukee Tool & Equipment Co., Inc., Milwaukee, Wisc. engaged in employment related to the production of vises who became totally or partially separated from employment on or after July 2, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of clamps, jackscrews and plumbing tools are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14356 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2889]

NATIONAL SUPPLY CO., HOUSTON, TEX.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2889: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing wellhead control equipment at the Houston, Tex. plant of National Supply Co., a division of Armco Steel Corp.

The Notice of Investigation was published in the *FEDERAL REGISTER* on Jan-

uary 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Supply Co., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

No imports of oilfield and gasfield production machinery and equipment could be identified in the official trade statistics. One Mexican firm started to supply one U.S. oil producing company with "christmas tree assemblies" and pipeline valves in the the autumn of 1976. An estimated \$300 thousand worth of this equipment was imported in the last four months of 1976, and about \$3 million worth in 1977. However, the 0.33 percent market share that these imports represented in 1977 is indicative of their insignificance at the present time.

No imports of oilwell and oilfield pumps could be found in the official trade statistics. This finding was verified by industry sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Houston, Tex. plant of National Supply Co. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14357 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2890]

NATIONAL SUPPLY CO., LOS NIETOS, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2890: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing oil drilling pumps at the Los Nietos, Calif. plant of National Supply Co., a division of Armco Steel Corp.

The Notice of Investigation was published in the *FEDERAL REGISTER* on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Supply Co., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof and to the absolute decline in sales or production.

No imports of oilfield and gasfield production machinery and equipment could be identified in the official trade statistics. One Mexican firm started to supply one U.S. oil producing company with "christmas tree assemblies" and pipeline valves in the autumn of 1976. An estimated \$300 thousand worth of this equipment was imported in the last four months of 1976, and about \$3 million worth in 1977. However, the 0.33 percent market share that these imports represented in 1977 is indicative of their insignificance at the present time.

No imports of oilwell and oilfield pumps could be found in the official trade statistics. This finding was verified by industry sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Los Nietos, Calif. plant of National Supply Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14358 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2888]

NATIONAL SUPPLY CO., GAINESVILLE, TEX.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2888: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing triplex pumps, slush pumps, converters and cranes at the Gainesville, Tex. plant of National Supply Co., a division of Armco Steel Corp.

The Notice of Investigation was published in the *FEDERAL REGISTER* on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Supply Co., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

No imports of oilfield and gasfield production machinery and equipment could be identified in the official trade statistics. One Mexican firm started to supply one U.S. oil producing company with "christmas tree assemblies" and pipeline valves in the autumn of 1976. An estimated \$300 thousand worth of this equipment was imported in the last four months of 1976, and about \$3 million worth in 1977. However, the 0.33 percent market share that these imports represented in 1977 is indicative of their insignificance at the present time.

No imports of oilwell and oilfield pumps could be found in the official trade statistics. This finding was verified by industry sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Gainesville,

Tex. plant of National Supply Co., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14359 Filed 5-22-78; 8:45 am]

[TA-W-2572]

PARKVIEW CLOTHES, LOS ANGELES, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2572: 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 men's suits, sport coats and slacks at Parkview Clothes, Los Angeles, Calif.

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 Parkview Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Parkview Clothes is a tailor which produces custom made men's suits. The suits are sold by Parkview's customers, which are retail merchant tailors. A survey of Parkview's customers revealed that most sell only custom made suits and do not carry imports.

CONCLUSION

After careful review I conclude that all workers at Parkview Clothes, Los Angeles, Calif. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14360 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3441]

ROCCO HANDBAG CORP., NEWBURGH, 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-3441: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 28, 1978 in response to a worker petition received on March 13, 1978 which was filed by the International Leather Goods, Plastics, and Novelty Workers Union on behalf of workers and former workers producing ladies' vinyl handbags at Rocco Handbag Corp., Newburgh, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on April 11, 1978 (43 FR 15205-15206). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rocco Handbag 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. It is concluded that all of the requirements have been met.

Imports of ladies' handbags have increased both absolutely and relative to domestic production from 1975 through 1977. The ratio of imports to domestic production was 73.5 percent in 1975, increasing to 111.1 percent in 1976 and 119.7 percent in 1977.

A customer survey conducted by the U.S. Department of Commerce revealed that customers who decreased purchases from Rocco Handbag Corp. have increased purchases of imported ladies' handbags.

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' handbags produced at Rocco Handbag Corp., Newburgh, N.Y. contributed importantly to declines in sales and production and to the separations of

workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Rocco Handbag Corp., Newburgh, New York who became totally or partially separated from employment on or after March 9, 1977 are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14361 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2777]

TRANSITRON ELECTRONICS CORP., WAKEFIELD, MASS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2777: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1977, in response to a worker petition received on December 7, 1977, which was filed on behalf of workers and former workers producing semiconductors and electronic connectors at Transistron Electronics Corp., Wakefield, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Transistron Electronics 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. With respect to workers engaged in employment related to the production of connectors, without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A selected sample of customers who purchased connectors from Transistron in 1976 and in 1977 were surveyed. The

survey results indicated that customers have not purchased any connectors from foreign sources. The reason cited was that end users prefer domestically produced connectors and are willing to pay a premium to assure high quality of product.

The survey results appear consistent with the aggregate industry data. Imports of connectors while increasing in value terms in recent years have had little impact in the U.S. market. The ratio of imports to domestic production declined in 1977 compared to 1976. The apparent reason for the lack of market penetration of imported connectors is that the market is specialized. Buyers usually solicit bids for connectors manufactured to certain specifications. Unit cost savings are not possible when manufacturing to customer specifications. This factor tends to limit the amount of import activity in this product.

With respect to workers engaged in employment related to the production of semiconductors, all of the group eligibility requirements of section 222 of the Act have been met.

Semiconductors produced at Transistron included transistors, thyristors, diodes, integrated circuits, rectifiers and reference diodes. U.S. imports of transistors, diodes, rectifiers and related devices increased both absolutely and relative to domestic production from 1975 to 1976 and from 1976 to 1977.

Imports of integrated circuits, measured in value, increased absolutely from 1975 to 1976, and from 1976 to 1977, decreased relative to domestic production from 1975 to 1976 and increased relative to domestic production from 1976 to 1977.

Several customers of Transistron Electronics Corp. who were surveyed indicated that they either purchase imported semiconductors directly or that they purchase, from domestic sources, semiconductors which have been manufactured offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with semiconductors produced at Transistron Electronics Corp., Wakefield, Mass. contributed importantly to the decline in sales and production and to the separation of workers engaged in employment related to such production at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of semiconductors at Transistron Electronics Corp., Wakefield, Mass. who became totally or partially separated from employment on or after December 2, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that workers engaged in employment related to the production of electronic connectors at Transatron Electronics Corp., Wakefield, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14362 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2685]

U.S. STEEL CORP., SAN FRANCISCO, CALIF.

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-2685: 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 30, 1977, in response to a worker petition received on November 16, 1977, which was filed on behalf of workers engaged in administrative support functions at the Western Steel Division Headquarters and at the Western Area Corporate Headquarters of the U.S. Steel Corp. in San Francisco, Calif.

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63488). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel 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 Trade Act of 1974 must be met. The investigation revealed that all of the criteria have been met.

The Western Steel Division Headquarters operates the Torrance and Pittsburg Works in California and the Geneva Works in Utah. The Department has previously certified workers engaged in the production of a significant percentage of the Division's total 1976 shipments who became totally or partially separated from employment on or after November 15, 1975. See Department Notices of Determination for TA-W-1449 and TA-W-1447. The certifications for these cases will expire

in August 19, 1979, and June 29, 1979, respectively. Also, all workers whose employment is related to steel production at Corporate Headquarters in Pittsburgh, Pa. to which the Western Area Corporate Headquarters reports to, who became totally or partially separated from employment on or after October 1, 1977, have been certified eligible to apply for adjustment assistance benefits. The company's Western Area Corporate Headquarters principally provides support services necessary for the company's west coast steelmaking operations. See Department Notice of Determination for TA-W-2850.

Average employment at the Corporate and Western Division offices in San Francisco declined in 1977 compared to 1976. Layoffs of workers first began in October 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the steel products produced by the U.S. Steel Corp. have contributed importantly to the total or partial separation of employees at company offices in San Francisco, Calif. as required for certification in section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I make the following certifications:

All workers of the Western Steel Division Headquarters and of the Western Area Corporate Headquarters of the U.S. Steel Corp. in San Francisco, Calif. engaged in employment related to the production of steel products who became totally or partially separated from employment on or after October 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 14363 Filed 5-23-78; 8:45 am]

[4510-28]

[TA-W-2510]

WEST POINT-PEPPERELL, MEXIA, TEX.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2510: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1977, in response to a worker petition received on October 18, 1977, which was filed on behalf of

workers and former workers producing a woven cloth called Abrasive Drill at the Mexia, Tex. plant of West Point-Pepperell.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of West Point-Pepperell, 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. Without regard to whether any of the other criteria have been met, the following criteria has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of gray woven industrial cotton fabric, which includes Abrasive Drill, increased 64 percent from 1975 to 1976 and declined 41 percent from the first nine months of 1976 to the first nine months of 1977.

A survey of customers of West Point-Pepperell revealed that customers did not increase purchases of imported Abrasive Drill while decreasing purchases from the Mexia plant. Respondents reported that purchases of imports accounted for less than 2 percent of their total purchases.

CONCLUSION

After careful review, I conclude that all workers at the Mexia, Tex. plant of West Point-Pepperell are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14364 Filed 5-22-78; 8:45 am]

[7510-01]

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[Notice 78-161]

**NASA ADVISORY COUNCIL, SPACE SCIENCE
ADVISORY COMMITTEE****Meeting**

The Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on June 19-21, 1978. The meeting will be open to the public. The meeting will take place from 9 a.m. to 5:45 p.m. on June 19, from 8:45 a.m. to 5 p.m. on June 20, and from 8:45 a.m. to 12:30 p.m. on June 21, 1978, in Room 5026 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546.

The Space Science Advisory Committee consults with and advises the Associate Administrator for the Office of Space Science with respect to plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include an update of NASA's OSS activities and reviews of OSS's fiscal year 1980 New Start candidates; Gamma Ray Observatory (GRO), Upper Atmosphere Research Satellite (UARS), Venus Orbiting Imaging Radar (VOIR), and the full Shuttle Multi-User Instrument Program (MIP). The OSS Explorer Status will be reviewed and future SSAC activities will be discussed.

For further information regarding this meeting, please contact Dr. Shelby G. Tilford, Executive Secretary, at Area Code 202-755-3766, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: May 16, 1978.

ARNOLD W. FRUTKIN,
Deputy Associate Administrator
for External Relations.

[FR Doc. 78-14217 Filed 5-19-78; 8:45 am]

[7510-01]

[Notice 78-17]

NASA WAGE COMMITTEE**Meeting**

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Aeronautics and Space Administration Wage Committee is scheduled for June 21, 1978, from 1:30 p.m. to 4:30 p.m. The meeting will be held in Room 226-b, 600 Independence Avenue SW., Washington, D.C. 20546.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space

Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, wage area pursuant to Pub. L. 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedules derived therefrom.

Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, National Aeronautics and Space Administration Wage Committee, Mail Stop 3-9, Lewis Research Center, NASA, 21000 Brookpark Road, Cleveland, Ohio 44135.

Dated: May 9, 1978.

KENNETH R. CHAPMAN,
Associate Administrator for
External Relations.

[FR Doc. 78-14218 Filed 5-19-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY
COMMISSION****ADVISORY COMMITTEE ON REACTOR SAFETY
GUARDS, SUBCOMMITTEE ON REACTOR
SAFETY RESEARCH****Meeting; Addition to Agenda**

The following provision has been added to the agenda of the May 31, 1978 meeting of the ACRS Subcommittee on Reactor Safety Research: "At the conclusion of the Executive Session, one or more of the ACRS Reactor Safety Research Working Groups may hold an open meeting(s) with representatives of the NRC Staff to discuss plans for review of NRC reactor safety research."

All other items pertaining to this meeting remain the same as published in the FEDERAL REGISTER on May 16, 1978.

Dated: May 17, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-14208 Filed 5-22-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

**COMMONWEALTH EDISON CO. (ZION
STATION, UNION NOS. 1 AND 2)****Order for Modification of License****I.**

The Commonwealth Edison Co. (the licensee), is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorize the operation of the nuclear power reactors known as Zion Station, Unit Nos. 1 and 2 (the facilities), at steady reactor power levels not in excess of 3250 megawatts thermal (rated power) per reactor. The facilities consist of Westinghouse Electric Co. designed pressurized reactors (PWR) located at the licensee's site in Zion, Illinois.

II.

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on April 17, 1977, as supplemented June 23, 1977, an ECCS evaluation for proposed operation using 15 x 15 fuel manufactured by the Westinghouse Electric Co. This evaluation included limits on the peaking factor. The ECCS performance submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Co. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse 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 peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities 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 March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants,

could result in calculated temperatures in excess of 2200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Zion Station, Unit Nos. 1 and 2 facilities at the peaking factor limit specified in this Order, and in accordance with the operating surveillance requirements 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 a reevaluation of ECCS performance as promptly as practicable to limit operation to achieve a peaking factor not exceeding the value specified herein and submitted operating surveillance procedures to assure operation within such limits. Such procedures were submitted and the commitments confirmed by the licensee's letter of April 7, 1978 and April 17, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV.

Copies of the Safety Evaluation and the following documents 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 Waukegan Public Library, 128 North Street, Waukegan, Ill. 60685.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letters from Commonwealth Edison Co., to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 7, 1978, and April 17, 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 Nos. DPR-39 and DPR-48 are hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for the facilities shall be limited to 2.04 if the accumulator conditions are modified as specified in the licensee's letter dated April 17, 1978 or to 1.9 if accumulator conditions are not so modified.

(3) Until further authorization by the Commission, the licensee shall conduct the operating surveillance program described in its letter of April 17, 1978 where APDM surveillance will be performed above the following power levels.

F_0 Limit	Zion Unit 1 (Percent)	Zion Unit 2 (Percent)
2.04.....	95.8	97.6
1.90.....	89.3	90.9

For the Nuclear Regulatory Commission.

Dated at Bethesda, Md., this 21st day of April 1978.

VICTOR STELLO, JR.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14212 Filed 5-22-78; 8:45 am]

[7590-01]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK,
INC. (INDIAN POINT NUCLEAR GENERATING
UNIT NO. 2)

Order for Modification of License

I.

The Consolidated Edison Co. of New York, Inc. (the licensee), is the holder of Facility Operating License No. DPR-26 which authorizes the oper-

ation of the nuclear power reactor known as Indian Point Nuclear Generating Unit No. 2 (the facility) at steady reactor power levels not in excess of 2758 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Westchester County, New York.

II.

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 28, 1977 an ECCS evaluation for proposed operation using fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse 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 peaking factor limited as set forth in the evaluation, and with other 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 generations, coolable geometry and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F. unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined

in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Indian Point Unit No. 2 facility at the peaking factor limit specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. The commitments were confirmed by the licensee's letter of April 17, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV.

Copies of the Safety Evaluation and the following documents 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 Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y.

(1) Letter from Westinghouse to NRC dated April 17, 1978.

(2) Letter from Consolidated Edison Co. of New York, to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 17, 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-26 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for the facility shall be limited to 2.24.

Dated at Bethesda, Md. this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14213 Filed 5-22-78; 8:45 am]

[7590-01]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Co. (the licensee), which revised the license and its appended Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment increases the licensed power level from 2440 to 2630 Mwt, while at the same time, restricting operation to 2560 Mwt until the Advisory Committee on Reactor Safeguards has reviewed and approved the power increase from 2560 to 2630 and the Commission has issued a subsequent amendment to that effect. In addition, this amendment revises Technical Specifications to reflect plant operating limits at the higher power levels. The Technical Specifications regarding total radial peaking factors have also been revised.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with the power increase was published in the FEDERAL

REGISTER on September 15, 1977 (42 FR 46428). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action. Prior public notice in connection with the revised total radial peaking factors was not required since this action does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to this action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the applications for amendment dated June 24, 1977 and August 1, 1977, as supplemented December 9, 1977 and April 28, 1978, (2) Amendment No. 38 to License No. DPR-36, (3) the Commission's related Safety Evaluation issued January 17, 1978, as supplemented April 11, 1978 and May 10, 1978, and (4) the Commission's Environmental Impact appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Op-
erating Reactors.

[FR Doc. 78-14214 Filed 5-22-78; 8:45 am]

[7590-01]

REGULATORY GUIDES, TABLE OF CONTENTS

Issuance and Availability

The Nuclear Regulatory Commission has issued a revised Table of Contents for Regulatory Guides in Division 1, "Power Reactors." This issue presents and explains a new format to be used for future issues of tables of contents of guides in all divisions.

Previous issues of this table of contents listed only the latest revision of each regulatory guide because it represented a current NRC staff position. However, some licensing commitments were based on earlier versions of a guide; therefore, this and future issues of the table of contents will list every version of each guide with the date it

was issued. If the latest version of a guide (as of the date of this table of contents) was issued for early comment, this is so noted.

Most regulatory guides contain a section headed "Implementation," which is intended to provide information to applicants and licensees regarding the NRC staff's plans for using the guide. If a guide does not contain such a section or if detailed information is needed on the staff's plans for using a regulatory guide with respect to a specific permit or license or application therefor, requests for such information should be addressed to the appropriate licensing project manager in the Office of Nuclear Reactor Regulation or Office of Nuclear Material Safety and Safeguards.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions or for a copy of the Table of Contents should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 16th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-14209 Filed 5-22-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 12.4 (Dose Assessment) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory

matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the undating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 12.4 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 11th day of May 1978.

For the U.S. Nuclear Regulatory Commission,

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14215 Filed 5-22-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 12.5 (Health Physics Program) of the SRP for the NRC staff's safety review of applications to build and operate lightwater-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry.

The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 12.5 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 15th day of May 1978.

For the U.S. Nuclear Regulatory Commission,

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14216 Filed 5-22-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 12.1 (assuring that occupational radiation exposures are as low as is reasonably achievable) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance

in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 12.1 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-13957 Filed 5-22-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 12.2 (radiation sources) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087,

are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 12.2 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-13958 Filed 5-22-78; 8:45 am]

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN

(NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 12.3 (radiation protection design features) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements

alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 12.3 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-13959 Filed 5-22-78; 8:45 am]

[7590-01]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of May 17, 1978, oral argument on the certified questions arising out of the Licensing Board's order of March 30, 1978 (concerning timing and scope of the staff's Final Environmental Statement) is calendared for 9:30 a.m. on Thursday, May 25, 1978, in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Md.

Dated: May 18, 1978.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc. 78-14506 Filed 5-22-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14771; SR-Amex-78-8]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 16, 1978.

On March 21, 1978, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which amends section 104 of the Company Guide to eliminate the

minimum distribution requirement of three hundred (300) holders for original listing of bonds or debentures on the Exchange.¹

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 14625, April 3, 1978) and by publication in the FEDERAL REGISTER (43 FR 15208, April 11, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.²

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14314 Filed 5-22-78; 8:45 am]

¹In the statement of purpose set forth in SR-Amex-78-8, Amex asserts that deletion of the above-mentioned distribution requirement would permit listing of quality debt issues which, by virtue of placement with institutional investors, are currently ineligible for such listing. Moreover, since market prices for debt securities are directly influenced by fluctuations in prevailing interest rates, a minimum distribution requirement is not essential to the maintenance on an exchange of a fair and orderly market in a security of this type. Finally, elimination of a distribution requirement for debt securities will conform the Amex to the New York Stock Exchange, Inc., in this respect.

²Amex rule 6(a)(1) permits a member, member firm or member corporation, acting as principal, to effect off-board transactions in debt securities admitted to dealings on the Amex where the member, member firm or member corporation, after reviewing, with due diligence, the proposed purchase or sale in the light of the factors involved, including the market existing on the Amex, the price and the size, is satisfied that the transaction can be executed more advantageously off the exchange.

[8010-01]

[Release No. 34-14766; File No. SR-Amex-78-12]

AMERICAN 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 April 17, 1978, the American Stock Exchange, Inc., has filed with the Securities and Exchange Commission a proposed rule change. The American Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to adopt rule 115 ("Unusual Market Exception" Rule). The text of the proposed rule is as follows:

PROPOSED RULE 115

Pursuant to SEC rule 11Ac1-1 governing the dissemination of quotations for equity securities reported on the consolidated tape, if the Exchange determines, in accordance with the procedures set forth in the commentary to this rule, that the level of trading activity or the existence of unusual market conditions is such that the Exchange cannot collect, process, and make available quotation data in a manner which accurately reflects the current state of the market on the floor of the Exchange, the Exchange shall immediately notify the persons specified in paragraph 3 of the commentary and, upon such notification, the obligation imposed upon Exchange members and the Exchange by SEC rule 11Ac1-1 shall be suspended, pending a determination by the Exchange that the unusual market activity or condition has terminated and renotification of the specified persons.

*** Commentary

.01 Exchange Procedures for Use of "Unusual Market Exception" Provided by SEC Rule 11Ac1-1

1(a). If a specialist is unable to update his quotations on a timely basis owing to the high level of trading activity or the existence of an unusual market condition, he shall promptly notify a Floor Official. An unusual market condition affecting a specialist's ability to promptly communicate quotation data would include, but not be limited to, situations where the high level of activity in one specialty stock affects the specialist's abil-

ity to update quotation data in any other security for which he has responsibility, or where, due to unforeseen circumstances beyond the specialist's control, he is temporarily required to assume responsibility for an unusually large number of securities assigned to his specialist unit.

1(b). Upon notification by a specialist, the Floor Official shall promptly verify the existence of the unusual market activity or condition and if, in his judgment, the specialist is unable to update his quotations on a timely basis, the Floor Official shall promptly notify the Market Operations Division of the Exchange. If a Floor Official, independent of notification by a specialist, becomes aware of any unusual market activity or condition which adversely affects a specialist's ability to promptly communicate quotation data, he shall likewise promptly advise the Market Operations Division.

2. If the Exchange (as opposed to the specialist) is unable to accurately collect, process, and/or disseminate quotation data owing to the high level of trading activity or the existence of unusual market conditions, the Market Operations Division of the Exchange, after consultation with a Floor Official, shall make a determination that this is the case. An unusual market condition affecting the Exchange's ability to disseminate quotation data would include, but not be limited to, situations where the equipment used to collect, process, and disseminate quotation data becomes inoperable, or where, due to unforeseen circumstances beyond the control of the Exchange, the number of Exchange floor personnel is inadequate to properly carry out the Exchange's collection obligation.

3. The Market Operations Division, either upon receiving notification from a Floor Official with respect to a specialist as provided in paragraph 1(b) or upon making its own determination with respect to the Exchange as provided in paragraph 2, shall notify the Securities Industry Automation Corp. (and request that it notify quotation vendors) regarding the Exchange's inability to accurately collect, process, and make available the quotation data required by SEC rule 11Ac1-1.

4. After a Floor Official has given notification with respect to a specialist as provided in paragraph 1(b) or after the Market Operations Division has made a determination with respect to the Exchange as provided in paragraph 2, the Floor Official or the Market Operations Division (as the case may be) shall monitor the unusual market activity or condition until it has terminated. Thereupon, the Market Operations Division shall immediately renotify SIAC (and request

that it renotify quotations vendors) that the Exchange is once again capable of disseminating the quotation data required by Rule SEC 11Ac1-1.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The Securities and Exchange Commission recently announced the adoption of rule 11Ac1-1, which will govern the dissemination of quotations for equity securities reported on the consolidated tape. The rule, which takes effect on May 1, 1978, requires exchanges and the NASD to have procedures for the collection and distribution of quotations to vendors.

Quotations covered by the rule will be required to be "firm", subject to certain exceptions. Firmness will not be required if the Exchange determines that the level of trading activity or the existence of unusual market conditions is such that the Exchange is incapable of collecting, processing, and disseminating the quotation data in a manner which accurately reflects the current state of the market. The SEC rule requires that the Exchange adopt a rule setting forth the standards and procedures to be followed when it invokes this "unusual market" exception. Proposed Rule 115 is designed to meet this requirement.

Rule 115 is proposed to enable the Exchange to comply with the provisions of SEC rule 11Ac1-1, consistent with section 6(b)(1) of the Act.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before June 27, 1978, or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding, or (ii) as to which the 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. 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 June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14312 Filed 5-22-78; 8:45]

[8010-01]

[Release No. 34-14767; File No. SR-BSE-78-2]

BOSTON 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. 94-29, 16 (June 4, 1975), notice is hereby given that on April 17, 1978, the Boston Stock Exchange, Inc. has filed with the Securities and Exchange Commission a proposed rule change. The Boston Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

PROPOSED RULE CHANGES

(a) Rescind present Section 7 of Chapter II of the Rules in its entirety and substitute the following:

MAINTENANCE OF QUOTATIONS

Section 7. All bids made and all offers made shall be in accordance with Rule 11Ac1-1 of the Securities Exchange Act of 1934 which governs the dissemination of quotations for reported securities.

The following interpretations and policies pertain to all issues for which a specialist has been assigned and as to which last sale information is reported on the Consolidated Transaction Reporting System.

INTERPRETATIONS AND POLICIES

.01 Specialists shall input their current markets and sizes to the Quotation System through the key terminal at the post. These quotations shall be firm as to both price and size unless exempted under one of the conditions specified hereinafter in paragraphs .05 to .08.

.02 Alternate specialists, while at the specialist post shall input or cause to be input to the Quotation System their bids and/or offers which better

the current Boston Stock Exchange market. Such quotations shall remain in force until the alternate specialist leaves the post. Alternate specialists' quotations and accompanying sizes shall be firm unless exempted under one of the conditions specified in paragraphs .05 to .08.

.03 Floor brokers, while at the specialist post shall input or cause to be input to the Quotation System those bids or offers which better the current Boston Stock Exchange market unless the bid or offer is cancelled or withdrawn if not executed immediately. If a floor broker transfers possession of an order to a specialist, the requirement for input to the Quotation System becomes the obligation of the specialist. When a floor broker who retains possession of an order leaves the post he must withdraw or cause to be withdrawn his bid or offer from the Quotation System. Quotations and accompanying sizes shall be firm until withdrawn unless exempted under one of the conditions specified in paragraphs .05 to .08.

.04 Quotation sizes, unless otherwise specified shall be assumed to be for 100 shares. Where bids or offers are made at the same price the aggregate quotation size of such equal bids or offers shall be input into the Quotation System. Such aggregate sizes shall remain firm until withdrawn, unless exempted under one of the conditions hereinafter specified in paragraphs .05 to .08.

.05 In instances where a block trade on the Boston Stock Exchange or other market against which orders are being protected takes place outside the current Boston Stock Exchange quotation, all effective bids or offers limited to the block price or better will be executed at the more favorable block price rather than at the limit price of the affected orders.

.06 No offer shall be executed in violation of applicable short sale rules:

Example:

BSE Market in XYZ—43½-43½ (short).
NYSE Market in XYZ—43½-43½.
Consolidated Tape Sale—43%.

The Boston Stock Exchange offering at 43½ may not be filled at its limit price subsequent to a sale reported on the Consolidated Tape at 43%. However, any floor member entering a short offering into the quote system is responsible for promptly adjusting the order into conformity with applicable short sale rules.

.07 No specialist, alternate specialist or floor broker shall be obligated to effect a transaction for any security as provided for in paragraphs .01, .02, and .03 of this Rule if:

(A) Before an order sought to be executed is presented, such specialist, alternate specialist, or floor broker has input a revised bid, offer, or quotation size into the Quotation System, or

(B) At the same time an order sought to be executed is presented, such specialist, alternate specialist, or floor broker is in the process of effecting a transaction in such security and, immediately after the completion of such transaction, such specialist, alternate specialist, or floor broker inputs a revised bid, offer, or quotation size into the Quotation System.

.08 In the event of unusual market conditions as determined by two members of the Committee on Business Conduct, quotations in a particular issue will not be subject to firmness provided that the Exchange has notified the following specified persons:

- (1) Each quotation vendor;
- (2) The processor for the Consolidated System; or
- (3) The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of security underlying options admitted to trading on any Exchange).

.09 Prior to making a determination that a particular security or securities be exempted from the firmness requirement the members of the Committee on Business Conduct shall consider:

- (1) The level of trading activity in existence at the time on the Boston Stock Exchange;
- (2) The level of trading activity in existence at the time at other Exchanges on which the particular security is traded; or
- (3) The condition of the Exchange's Quotation Dissemination System.

The Committee members who grant a request for exemption from the firmness requirement are required to monitor the activity or conditions which form the basis for such exemption and shall immediately notify the Exchange when such conditions no longer exist.

2. *Procedures of Self-Regulatory Organization.* The Board Governors approved the foregoing proposed rule changes on March 30, 1978.

3. *Exchange's Statement of Purpose of the Proposed Rule Changes.* To conform with the provisions of the Amendments to the Securities Exchange Act Rule 11Ac1-1.

4. *Exchange's Statement of Basis of the Proposed Rule Changes.* To bring the Exchange Rules into compliance with the provisions of Rule 11Ac1-1 under the Securities Exchange Act of 1934 which governs dissemination of quotations for reported securities.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes.* No comments were solicited or received.

6. *Exchange's Statement of Burden on Competition.* No burden on competition is perceived by adoption of the proposed amendments.

On or before June 27, 1978, or within such longer period (i) as the Commis-

sion may designate up to 90 days of such date, if it finds such longer period to be appropriate and published 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 changes, or

(B) Institute proceedings to determine whether the proposed rule changes 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, 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 June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14310 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14765; File No. SR-MSE-78-81]

MIDWEST STOCK, 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 10, 1978, the Midwest Stock Exchange, Incorporated has filed with the Securities and Exchange Commission a proposed rule change. The Midwest Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

ARTICLE XX

RECOGNIZED QUOTATIONS

Rule 8. Recognized quotations shall be public bids and offers in lots of one or more trading units or multiples thereof. Bids or offers for less than one unit of trading shall specify the number of shares of stock or the principal amount of the bonds covered by

the bid or offer. All bids made and all offers made shall be in accordance with the provisions of Rule 11Ac1-1 under the Securities Exchange Act of 1934, governing the dissemination of quotations for reported securities.

The following interpretations and policies pertain to all specialist system issues for which last sale information is reported in the consolidated transaction reporting system.

Interpretations and Policies

.01 Specialists shall input their current markets and sizes to the quotation system through the key terminal or the mark sense terminal at the post. These quotations shall be firm as to both price and size unless exempted under one of the conditions specified in paragraph 5-8 of this Rule.

.02 Market makers, while at the post, shall input to the quotation system their bids and/or offers which better the current Midwest Stock Exchange market. Such quotations shall remain in force until the market maker leaves the post. Market maker quotations and accompanying sizes shall be firm unless exempted under one of the conditions specified in paragraphs 5-8 of this Rule.

.03 Floor Brokers, while at the post, shall input to the quotation system those bids or offers which better the current Midwest Stock Exchange market unless the bid or offer is cancelled or withdrawn if not executed immediately. If a floor broker transfers possession of an order to a specialist, the requirement for input to the quotation system becomes the obligation of the specialist. When a floor broker who retains possession of an order leaves the post he must withdraw his bid or offer from the quotation system. Quotations and accompanying sizes shall be firm until withdrawn unless exempted under one of the conditions specified in paragraphs 5-8 of this Rule.

.04 Quotation sizes, unless otherwise specified, shall be assumed to be for 100 shares. Where bids or offers are made at the same price the aggregate quotation size of such equal bids or offers shall be inputted into the quotation system. Such aggregate sizes shall remain firm until withdrawn unless exempted under one of the conditions specified in paragraphs 5-8 of this Rule.

.05 In instances where a block trade on the Midwest Stock Exchange or other market against which orders are being protected, takes place outside the current Midwest Stock Exchange quotation, all effective bids or offers limited to the block price or better will be executed at the more favorable block price rather than at the limit price of the affected orders.

.06 No offer shall be executed in violation of applicable short sale rules:

Example:

MSE market in XYZ—43½-43¾ (short)
 NYSE market in XYZ—43¾-43¾
 Consolidated tape last sale=43¾

The Midwest Stock Exchange offering at 43½ may not be filed at its limit price subsequent to a Consolidated Tape sale at 43¾. However, any floor member entering a short offering into the quote system is responsible for promptly adjusting the order into conformity with applicable short sale rules.

.07 No specialist, market maker or floor broker shall be obligated to execute a transaction for any security as provided for in paragraphs .01, .02, and .03 of this Rule if:

(A) Before an order sought to be executed is presented, such specialist, market maker or floor broker has inputted a revised bid, offer or quotation size into the quotation system or

(B) At the time an order sought to be executed is presented, such specialist, market maker or floor broker is in the process of effecting a transaction in such security and, immediately after the completion of such transaction, such specialist, market maker or floor broker inputs a revised bid, offer or quotation size into the quotation system.

.08 In the event of unusual market conditions as determined by two Committee on Floor Procedure members, quotations in a given issue will not be subject to firmness provided that the Exchange has notified the following specified persons:

1. Each quotation vendor;
2. The processor for the consolidated system; and
3. The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of securities underlying options admitted to trading on an exchange).

.09 Prior to making a determination that a particular security or securities be exempted from the firmness requirement, the Committee on Floor Procedure members shall consider:

1. The level of trading activity in existence at the time on the Midwest Stock Exchange.
2. The level of trading activity in existence at the time at other exchanges on which the particular security is traded.
3. The condition of the Exchange's quotation dissemination system.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to implement, within the rules of the Exchange, the mandates contained within Rule 11Ac1-1 under the Securities Exchange Act of 1934

which governs the dissemination of quotations for reported securities.

The proposed rule change is consistent with Section 11A(c)(1) of the Securities Exchange Act of 1934, as amended, which in part requires that any information with respect to quotations in any security shall not be distributed or published in contravention of rules and regulations of the Commission.

A subcommittee of the Exchange's Committee on Floor Procedure has reviewed and approved the proposed rule change.

The Midwest Stock Exchange, Incorporated, believes that no burdens have been placed on competition.

On or before June 27, 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 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 June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

[8010-01]

GEORGE A. FITZSIMMONS,
 Secretary.

[FR Doc. 78-14309 Filed 5-22-78; 8:45 am]

[Release No. 14774; File No. SR-NYSE-78-28]

NEW YORK STOCK EXCHANGE, INC.

Filing and Effectiveness of Proposed Rule Change

MAY 16, 1978.

The New York Stock Exchange, Inc. ("NYSE") submitted on May 4, 1978, a proposed rule change under Rule 19b-4 to establish a fee of \$25 for the ser-

vices of the NYSE staff in performing a pre-use review of advertising material voluntarily submitted by a member.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of May 15, 1978. In order to assist the Commission to determine whether to approve the proposed rule change or 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 submission on or before June 13, 1978. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-78-28.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communication relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
 Secretary.

[FR Doc. 78-14315 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14768; File No. SR-NYSE-78-27]

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 April 24, 1978, the New York Stock Exchange, Inc. has filed with the Securities and Exchange Commission a proposed rule

change. The New York Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The text of proposed new Rule 60 of the New York Stock Exchange is as follows:

§2060 DISSEMINATION OF QUOTATIONS

Explanatory Note re Rule 60. On January 26, 1978, the Securities and Exchange Commission adopted, effective May 1, 1978, Rule 11Ac1-1 governing the dissemination of quotations for "reported securities". This rule requires all national securities exchanges and associations to establish procedures for collecting from their members' bids, offers and quotation sizes with respect to reported securities, and for making such bids, offers and sizes available to quotation vendors. The rule also requires that quotation information made available to vendors be "firm", subject to certain exceptions. Exchange Rule 60, below, relates to SEC Rule 11Ac1-1 and the provisions thereof.

For ease of reference, the complete text of SEC Rule 11Ac1-1 is reproduced below. Further information relating to this rule is contained in SEC Release No. 34-14415, dated January 26, 1978.

SEC Rule 11Ac1-1. Dissemination of Quotations for Reported Securities.

SEC Rule 11Ac1-1 will be reproduced in its entirety here.

PROPOSED NEW RULE 60

Rule 60. (a) For purposes of this rule, the terms "responsible broker or dealer", "quotation vendor", "bid", "offer", "reported security", "quotation size", "published bid", "published offer", "published quotation size", "make available", "aggregate quotation size" and "specified persons" shall have the meaning given to them in SEC Rule 11Ac1-1.

(b) Each member who is a responsible broker or dealer on the Floor shall, in addition to meeting his obligations as set forth in paragraph (c) of the Rule 11Ac1-1, also abide by such rules and procedures adopted by the Exchange, as in effect from time to time, in order to enable the Exchange to meet its quotation dissemination requirements under paragraph (b) of Rule 11Ac1-1.

(c) Each member who is a responsible broker or dealer on the Floor shall:

(i) Promptly after making a bid and/or offer in the trading crowd for a reported security, communicate to the Reporter in such security his bid and/or offer (as made in the crowd) and

the quotation size that he wishes to disseminate to quotation vendors;

(ii) Promptly notify the Reporter in the reported security whenever his published bid, published offer or published quotation size is to be revised; and

(iii) Promptly notify the Reporter in the reported security whenever his published bid and/or published offer is to be cancelled or withdrawn.

Notwithstanding anything in Rule 117 to the contrary, if a member who is a responsible broker or dealer on the Floor leaves the trading crowd for the reported security without notifying the Reporter to cancel or withdraw his published bid or published offer and, thereafter, an order is received in the trading crowd seeking that published bid or published offer, the member shall be obligated to that order to the extent set forth in paragraph (c) of Rule 11Ac1-1.

(d) Each member who is a responsible broker or dealer in a reported security shall make a reasonable effort to assist the Reporter in assuring that the published bid, published offer, and published quotation size (or published aggregate quotation size) in such reported security accurately reflects the market on the Floor.

(e) With respect to paragraph (b) (3) of Rule 11Ac1-1, a Floor Governor (or two Floor Officials in the event a Floor Governor is not available) shall have the power to determine that the level of trading activity or the existence of unusual market conditions are such that the Exchange is incapable of collecting, processing and making available to quotation vendors bids, offers and quotation sizes with respect to one or more reported securities in a manner which accurately reflects the current state of the market on the Floor.

Whenever a Floor Governor (or Floor Officials) makes any such determination he shall immediately notify the Market Surveillance and Evaluation Division of the Exchange and the Exchange shall communicate a notification of that determination to all specified persons. Upon completion of such notification to specified persons, members on the Floor shall be relieved of their obligations under Rule 11Ac1-1 with respect to the security or securities in question.

The Floor Governor (or Floor Officials) shall monitor the activity or condition which formed the basis for his determination and he shall immediately renotify the Market Surveillance and Evaluation Division when the Exchange is once again capable of collecting, processing and making available to quotation vendors bids, offers and quotation sizes with respect to one or more reported securities in question in a manner which accurately reflects the current state of the market on the

Floor. Upon completion of such renotification to specified persons (notice of which shall be sent to the Floor) members on the Floor shall once again be obligated under Rule 11Ac1-1 with respect to the security of securities in question.

***** Supplementary Material.**

.10 If a member who is a responsible broker or dealer on the Floor leaves the trading crowd for the reported security without notifying the Reporter to cancel or withdraw his published bid or published offer, the specialist in such security shall be authorized, at his discretion, to cancel or withdraw that member's published bid or published offer provided that

(i) An order has not been received in the trading crowd seeking that member's published bid or published offer; and

(ii) At the same time the specialist cancels or withdraws a published bid or published offer, as contemplated in this paragraph, the specialist communicates a revised bid or offer, which represents the current market on the Floor in that reported security, to the Reporter for publication purposes.

.20 No member shall be deemed to be a responsible broker or dealer with respect to a published bid or published offer that is erroneous as a result of an error or omission made by the Exchange or any quotation vendor. If a published bid or published offer is accurate but the published quotation size (or published aggregate quotation size, as the case may be) associated with it is erroneous as a result of an error or omission made by the Exchange or any quotation vendor, then each responsible broker or dealer with respect to the published bid or published offer shall be obligated to the extent set forth in paragraph (c) of Rule 11Ac1-1 but only to the extent of one unit of trading in the reported security in question.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of proposed new Rule 60 is to assist the Exchange in implementing SEC Rule 11Ac1-1. The salient provisions of proposed new Rule 60 are summarized below, as follows:

Each member of the Exchange who is a "responsible broker or dealer" on the Floor with respect to a reported security will be required to communicate, to the Exchange Reporter assigned to that security, his bid or offer, as made in the trading crowd, and the quotation size that he wishes to have disseminated to quotation vendors. Each such member will also be required to notify the Exchange Reporter whenever his "published bid",

"published offer" or "published quotation size" is to be revised and whenever his published bid or published offer is to be canceled or withdrawn.

These provisions will assist the Exchange in fulfilling its obligations to collect, process and disseminate quotations and quotation sizes in reported securities.

A current practice on the Floor of the Exchange stemming from the provisions of Rule 117 is that if a member who makes a bid or offer in the trading crowd subsequently leaves the crowd without "turning over" an order to another member, his bid or offer is considered automatically canceled.

To reinforce the "firmness" of Exchange-published quotations, a provision has been added to proposed new Rule 60 that if a member leaves the trading crowd without notifying the Reporter to cancel or withdraw his published bid or published offer and, thereafter, an order is received in the trading crowd seeking that published bid or published offer, the member will be obligated to trade with that order notwithstanding anything in Rule 117 to be contrary. However, to avoid confusion and complications and to ensure the efficient and orderly conduct of business in the trading crowds on the Floor, a provision has also been added to Rule 60 that if a member leaves the trading crowd without notifying the Reporter to cancel or withdraw his published bid or published offer, the specialist shall be authorized to cancel or withdraw that member's published bid or published offer, subject to certain conditions which, again, are aimed at ensuring the firmness of Exchange-published quotations and also that such quotations represent the current market on the Floor in the security in question.

Proposed Rule 60 will empower an Exchange Floor Governor (or two Floor Officials in the event a Floor Governor is not available) to make the determination, as contemplated in Rule 11Ac1-1, that active or unusual market conditions exist and that the provisions of Rule 11Ac1-1 should be suspended. Any Floor Governor (or Floor Official) who makes such a determination will be required to monitor the activity or condition which formed the basis for his determination and, when the activity or condition no longer exists, he is required to take certain actions which will cause the provisions of Rule 11Ac1-1 to again apply.

Proposed Rule 60 also contains a provision to clarify that no member of the Exchange shall be responsible with respect to a published bid or published offer that is erroneous as a result of an error or omission of the Exchange or any quotation vendor.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed rule change relates to section 11A(a) of the Act and particularly subparagraph (1)(C)(iii) thereof which states that "It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure . . . the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities . . .".

As mentioned in item 3 above, the proposed rule change also relates to, and is intended to assist the Exchange in implementing the provisions of, SEC 11Ac1-1 which is presently scheduled to become effective on May 1, 1978.

Further, the proposed rule change relates to Section 6(b)(1) of the Act in that it would assist the Exchange in carrying out the purposes of the Act and to comply, and to enforce compliance by its members, with the provisions of the Act and the rules and regulations thereunder.

Finally, the proposed rule change relates to section 6(b)(5) of the Act in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited nor has it received any comments regarding the proposed rule change.

EXCHANGE'S STATEMENT OF BURDEN ON COMPETITION

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

On or before June 27, 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 offices 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 June 22, 1978. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14308 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14770; File No. SR-PHLX 78-4]

PHILADELPHIA STOCK 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. 94-29, 16 (June 4, 1975), notice is hereby given that on May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The amendment provides for simplified procedures for the arbitration of claims by public customers where the amount in dispute is \$2,500 or less.

PHLX STATEMENT OF BASIS AND PURPOSE OF THE PROPOSED RULE CHANGE

The purpose of the proposed rule change is to provide investors with a simple and inexpensive procedure for the resolution of small claims against member firms. The procedures set forth in the proposed rule were developed by the Securities Industry Conference on Arbitration, which is composed of representatives of the PHLX and eight other self-regulatory organizations. The proposed rule would provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding \$2,500. The participating self-regulatory organizations will offer hearing facilities in all areas of the country, so that a dispute can be heard in a location convenient to the claimant. A claimant will have the right to withdraw his claim without prejudice if a counterclaim in excess of his claim is interposed. The only expense will be a filing fee of \$15.

The basis under the Act for the proposed rule change is section 6(b)(5).

The proposed uniform rule applicable to small claims by public customers will provide a more effective, efficient and economical dispute resolution system for public investors with small claims and thus will protect investors and the public interest.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS

Comments were received from the members of the Securities and Exchange Commission at an open meeting held on December 8, 1977, to a Report by SICA containing an earlier version of the procedures. Based on those comments, the procedures were revised as presently submitted.

BURDEN ON COMPETITION

The PHILX has determined that no burden on competition will be imposed by the proposed rule change.

On or before June 27, 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 June 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 16, 1978.

The text of the proposed rule change is as follows. Brackets indicate deletions; italics indicate new material.

BY-LAW 10-7

(d) *Notwithstanding the provisions of Sections 10-7 (b) and (c), any dispute, claim or controversy between a public customer and a member or*

member organization involving an amount not exceeding \$2,500, exclusive of attendant costs and interest, shall be subject to arbitration under the provisions of Rule 950. The procedural provisions of Rule 950 shall govern arbitration thereunder and in such case shall supersede any provisions of Sections 10-7 (b) and (c) which are inconsistent therewith.

UNIFORM RULE APPLICABLE TO SMALL CLAIMS BY PUBLIC CUSTOMERS

RULE 950(a) Any dispute, claim or controversy, arising between a public customer(s) and a member, or member organization, [required to be arbitrated] subject to arbitration under the By-Laws and Rules of the Philadelphia Stock Exchange, Inc., involving a dollar amount not exceeding \$2,500, exclusive of attendant costs and interest, shall upon demand of the customer(s) or by written consent of the parties be arbitrated as hereinafter provided.

(b) *The Claimant shall file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim of the controversy in dispute, together with documents in support of the claim. The Statement of Claim shall specify the relevant facts, the remedies sought and whether or not a hearing is demanded.*

(c) *The Claimant shall pay the sum of \$15.00 upon filing of the Submission Agreement. The final disposition of this sum shall be determined by the arbitrator.*

(d) *The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Statement of Claim. The Respondent(s) shall within twenty (20) calendar days from receipt of service file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Respondent's Answer, together with supporting documents. The Answer shall designate all available defenses to the Claim and may set forth any related Counterclaim and/or related Third Party Claim the Respondent(s) may have against the Claimant or any other person. If the Respondent(s) has interposed a Third Party Claim, the Arbitration Director shall endeavor to serve promptly by mail or otherwise a copy of same together with a copy of the Submission Agreement on such Third Party who shall respond in the manner herein provided for response to the Claim. If the Respondent(s) files a related Counterclaim exceeding \$2,500, the arbitrator may refer the Claim, Counterclaim and/or Third Party Claim, if any, to a panel of three (3) arbitrators or, he may dismiss the Counterclaim and/or Third Party*

Claim without prejudice to the Counterclaimant(s) and/or Third Party Claimant(s) pursuing the Counterclaim and/or Third Party Claim in a separate proceeding. The costs to the Claimant under either proceeding shall in no event exceed \$15.00.

(e) *The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Claimant a copy of the Answer, Counterclaim, Third Party Claim or other responsive pleading, if any. The Claimant, if a Counterclaim is asserted against him, shall within ten (10) calendar days either (1) file a Reply to any Counterclaim with the Arbitration Director who will serve a copy of the Reply on the Respondent(s) or (2) if the amount of the Counterclaim exceeds the Claim shall have the right to file a statement withdrawing the Claim. If the Claimant withdraws the Claim, the proceedings will be discontinued without prejudice to the rights of the parties.*

(f) *The dispute, claim or controversy shall be submitted to a single arbitrator knowledgeable in the securities industry selected by the Arbitration Director. Unless the public customer demands or consents to a hearing, or the arbitrator(s) calls a hearing, the arbitrator shall decide the dispute, claim or controversy solely upon the pleadings and evidence filed by the parties. If a hearing is necessary, such hearing shall be held as soon as practicable at a locale selected by the Arbitration Director.*

(g) *The Arbitration Director may grant extensions of time to file any pleading upon a showing of good cause.*

(h) *The arbitrator shall be authorized to require the submission of further documentary evidence as he in his sole discretion deems advisable.*

(i) *Upon the request of the arbitrator, the Arbitration Director shall appoint two (2) additional arbitrators to a panel which shall decide the matter in controversy.*

(j) *In any case where there is more than one (1) arbitrator, the majority will be public arbitrators.*

(k) *In his discretion, the arbitrator may, at the request of any party, permit such party to submit additional documentation relating to the pleadings.*

(l) *Except as otherwise provided herein, the general arbitration rules of the Philadelphia Stock Exchange, Inc. shall be applicable to proceedings instituted under this Rule.*

[FR Doc. 78-14307 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14769; File No. SR-PHLX
78-8]

PHILADELPHIA STOCK 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 17, 1978, the Philadelphia Stock Exchange, Incorporated has filed with the Securities and Exchange Commission a proposed rule change. The Midwest Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

RULE 105—RECOGNIZED QUOTATIONS

The Philadelphia Stock Exchange proposes to amend Rule 105, "Recognized Quotations". (Italics indicate new language.)

The recognized quotations shall be public bids and offers in lots of one trading unit of stocks or bonds or multiples thereof. *All bids made and all offers made shall be in accordance with the provisions of Rule 11Ac1-1 under the Securities Exchange Act of 1934, governing the dissemination of quotations for reported securities.*

* * * Supplementary Material.

.01 *In the event of unusual market conditions as determined by the Committee on Floor Procedure, quotations in a given issue will not be subject to firmness provided that the Exchange has notified the following specified persons:*

1. Each quotation vendor;
2. The processor for the consolidated system;
3. The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of securities underlying options admitted to trading on any exchange).

.02 Prior to making a determination that a particular security or securities be exempted from the firmness requirement, the Committee on Floor Procedure shall consider:

1. The level of trading activity in existence at the time on the Philadelphia Stock Exchange.
2. The level of trading activity in existence at the time at other exchanges on which the particular security is traded.
3. The condition of the Exchange's quotation dissemination system.

EXCHANGE'S STATEMENT OF BASIS AND
PURPOSE

The purpose of the proposed rule change is to implement, within the rules of the Exchange, the mandates

contained within Rule 11Ac1-1 under the Securities Exchange Act of 1934 which governs the dissemination of quotations for reported securities.

The proposed rule change is consistent with Rule 11A(c)(1) of the Securities Exchange Act of 1934, as amended, which in part requires that any information with respect to quotations in any security shall not be distributed or published in contravention of rules and regulations of the Commission.

No comments on the proposed rule change have been solicited or received.

The Philadelphia Stock Exchange, Inc. believes that no burdens have been placed on competition.

On or before June 27, 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 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 June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[IFR Doc. 78-14311 Filed 5-22-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster Loan Area No.
14711)

ALABAMA

Declaration of Disaster Loan Area

Dallas County and adjacent counties within the State of Alabama constitute a disaster area as a result of dam-

ages caused by a tornado which occurred on May 1, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 14, 1978, and for economic injury until the close of business on February 15, 1979, at:

Small Business Administration,
District Office, 908 South 20th Street,
Birmingham, Ala. 35205

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: May 15, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[IFR Doc. 78-14228 Filed 5-22-78; 8:45 am]

[8025-01]

(Proposed License No. 02/02-0348)

CANNON CAPITAL CORP.

Application for a License To Operate as a
Small Business Investment Company

An application for a license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Cannon Capital Corp. (the Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102.

The Applicant, with its place of business at 665 Fifth Avenue, New York, N.Y. 10022, will begin operations with approximately \$1,782,700 of paid-in Capital and surplus which will be sold to approximately 35 stockholders in a non-public offering. Its stock will consist of 35 units each comprised of 1,500 shares of class A and 25,000 shares of class B common stock for a unit price of \$50.00.

The officers and directors of the Applicant will be as follows:

Name	Title
Harris F. Epstein	President, Director
12 A Heritage Drive New City, N.Y. 10956	
Herbert S. Cannon	Chairman of the Board, Treasurer
480 Park Avenue New York, N.Y. 10022	
Marvin J. Goldstein	Secretary, Director, Counsel

These individuals will each own 13.88 percent of the Applicant's class A common voting stock. Mr. Epstein is currently a vice president of another SBIC, MDC capital corporation; from which he will resign upon licensing of the Applicant.

Investors will own shares of class B stock representing 100 percent of the class B stock outstanding, and shares of class A stock representing 58½ percent of class A stock outstanding. The

balance of Cannon's class A common stock, 41% percent will be sold to Messrs. Herbert Cannon, Harris Epstein, and Marvin Goldstein at an individual cost of \$15,000.

Mr. Marvin Goldstein has also been credited \$10,000 toward the purchase price of class A stock for legal services performed on behalf of Cannon.

Cannon intends to provide funds to eligible small businesses primarily in New York, New Jersey, and Connecticut. In addition to providing capital funds, the Applicant will offer technical assistance, advisory and counseling services to small companies.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA rules and regulations.

Any person may, on or before June 7, 1978, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 78-14229 Filed 5-22-78; 8:45 am]

[8025-01]

[License No. 02/02-5290]

CAPITAL FORMATION MESBIC, INC.

License Surrender

Notice is hereby given that Capital Formation MESBIC, Inc., 2112 Broadway, Suite 401, New York, N.Y. 10023, has surrendered its license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

The company was licensed by the Small Business Administration on September 23, 1971.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1978), the surrender by Capital Formation MESBIC, Inc., of its license is hereby approved.

Accordingly, all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 78-14230 Filed 5-22-78; 8:45 am]

[8025-01]

[Proposed License No. 06/06-0201]

CAPITAL MANAGEMENT & RESOURCES, INC.

Application for a License To Operate as a Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to §107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of Capital Management & Resources, Inc., Suite 203, 4664 Jamestown Avenue, Baton Rouge, La. 70808, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Warren S. Orlando, President, Director, 20 percent shareholder, 720 Coco Plum Circle, Plantation, Fla. 33317.

Jan W. Dugger, Vice President, Director, 20 percent shareholder, 401 Kenilworth Parkway, Baton Rouge, La. 70808.

Phillip W. Preis, Secretary, Director, 20 percent shareholder, 8810 Norfolk Drive, Baton Rouge, La. 70809.

Eddie C. Bartee, Treasurer, Director, 20 percent shareholder, 1913 Hermadel Drive, Baton Rouge, La. 70816.

Doris Gates Rankin, Director, 20 percent shareholder, 7857 Highland Road, Baton Rouge, La. 70808.

There will be two classes to stock: voting common stock with 500,000 shares authorized, and non-voting preferred stock with 500,000 shares authorized. The voting common stock will be owned by the five individuals named above. The preferred stock will be offered and sold to large corporations, institutional investors, pension funds and trusts.

The Applicant Licensee proposes to commence operations with private capital of \$1,051,000, consisting of \$1,000 in common stock and \$1,050,000 in preferred stock.

While the Applicant's principal office will be in Baton Rouge, it intends to establish a branch office in Fort Lauderdale, Fla. It will conduct its operations principally in the States of Louisiana and Florida and in other areas within the United States as may from time to time be approved by SBA.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given than any person may, not later than June 7, 1978, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in newspapers of general circulation in Baton Rouge, La. and Fort Lauderdale, Fla.

(Catalog of Federal Domestic Assistance Program, No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 78-14321 Filed 5-22-78; 8:45 am]

[8025-01]

[Proposed License No. 06/06-0202]

FIRST CAPITAL CORP. OF NEW MEXICO

Application for a License to Operate as a Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to §107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of First Capital Corp. of New Mexico, 2625 Pennsylvania NE., Albuquerque, N. Mex. 87110, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholder of the Applicant are as follows:

Melvin I. Hertz, President, Director, 3314 Linda Vista SE., Albuquerque, N. Mex. 87107.

Horace G. Pickard, Jr., Chairman of the Board, Secretary-Treasurer (100 percent ownership), 4608 Glenwood Hills Dr. NE., Albuquerque, N. Mex. 87111.

There will be one class of stock authorized, 3,000,000 shares of common stock with a par value of \$1 per share.

The Applicant Licensee proposes to begin operations with private capital of \$304,000. It is represented that the private capital will be increased to at

least \$500,000 within 1 year of the date of licensing. Applicant proposes to conduct its operations principally within the State of New Mexico.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 7, 1978, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Albuquerque, N. Mex.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 78-14232 Filed 5-22-78; 8:45 am]

[8025-01]

[Application No. 03/03-51351]

FULCRUM VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Fulcrum Venture Capital Corp. (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1977).

The officers, directors and stockholders are as follows:

Steven L. Lilly, President and Director, 2021 K Street NW., Suite 701, Washington, D.C. 20006.

David L. Jameson, Secretary and Director, 2021 K Street NW., Suite 701, Washington, D.C. 20006.

John G. Ghoster, Treasurer and Director, 2021 K Street NW., Suite 701, Washington, D.C. 20006.

The applicant, a District of Columbia corporation, will maintain an office at 2021 K Street NW., suite 701, Washington, D.C. 20006 and will begin operations with \$2,000,000 of paid-in capital and paid-in surplus derived from the Sale of 1,500 shares of common stock to Opportunity Fund-

ing Corporation and 500 shares of common stock to Cooperative Assistance Fund.

The applicant intends to follow a diversified investment policy by not specializing in any particular industry but making investments in any small business concern permitted by the Small Business Administration's regulations.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than June 7, 1978, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, D.C.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 78-14233 Filed 5-22-78; 8:45 am]

[8025-01]

[Proposed License No. 06/06-02001]

SAVINGS VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of Savings Venture Capital Corporation, 6001 Financial Plaza, Shreveport, La. 71102, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business In-

vestment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Herman K. Beebe, Chairman of the Board, 458 Rallsback Road, Shreveport, La. 71106.

Dale A. Anderson, President, Director, 2518 Benton Road, Bossier City, La. 71111.

Charles D. Gray, Jr., Vice President, Director, 510 Yolanda Lane, Shreveport, La. 71105.

Clarice A. Huckabee, Secretary, Director, P.O. Box 163, Greenwood, La. 71033. Savings Life Insurance Co., 100 Percent, 6001 Financial Plaza, Shreveport, La. 71103.

There is only one class of stock with one million shares of common stock authorized. Initially, only 500,000 of these will be issued. Savings Life Insurance Co. is a wholly owned subsidiary of AMI, Inc., which is owned 53 percent by Herman K. Beebe. No other shareholder owns as much as 10 percent of AMI, Inc.

The Applicant Licensee proposes to begin operations with private capital of \$1,000,000. Applicant proposes to conduct its operations principally within the States of Louisiana, Arkansas, Texas and Mississippi.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 7, 1978, submit to SBA, in writing, comments on the proposal licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published by the applicant in a newspaper of general circulation in Shreveport, La.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-14234 Filed 5-22-78; 8:45 am]

[8025-01]

[License No. 06/06-01751]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Small Business Investment Capital, Inc. (the

Licensee), 10003 New Benton Highway, Little Rock, Ark. 72203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA), an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1977)), for approval of a conflict of interest transaction.

The Licensee was licensed by SBA on March 6, 1975, and is wholly owned by Shur-Valu Stamps, Inc., 10003 New Benton Highway, Little Rock, Ark. 72203.

It is proposed that the Licensee loan Mr. Paul Bone a certain amount of money to remodel his retail grocery store in Clinton, Ark. Mr. Bone is on the board of directors of Shur-Valu Stamps, Inc., and therefore he is considered to be an Associate of the Licensee as defined by Section 107.3(c) of SBA's Rules and Regulations.

Notice is further given that any person may, not later than June 7, 1978 submit to SBA, in writing, comments on this transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Clinton, Ark. and in Little Rock, Ark.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-14235 Filed 5-22-78; 8:45 am]

[8025-01]

SPROUT CAPITAL CORP.

[License No. 02/02-0339]

Issuance of License To Operate as a Small Business Investment Company

On October 31, 1977, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (42 FR 57999) stating that a notice had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license as a small business investment company (SBIC) by Sprout Capital Corp., 140 Broadway, New York, N.Y. 10005.

Interested parties were given until the close of business November 15, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business

Investment Act of 1958, as amended, after having considered the application and the facts with regard thereto, SBA on May 2, 1978, issued License No. 02/02-0339 to Sprout Capital Corp. to operate as an SBIC.

(Catalogue of Federal Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investments.

[FR Doc. 78-14236 Filed 5-22-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY SMALL BUSINESS ADVISORY COMMITTEE

Subcommittee Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that a meeting of the Subcommittee on Tax Policy of the Treasury Small Business Advisory Committee will be held on June 7, 1978.

The Subcommittee will meet from 9:30 a.m. to 12 p.m. and from 1:30 p.m. to approximately 5 p.m. The meeting will be in room 4426 of the Main Treasury Building, 15th and Pennsylvania Avenue N.W., Washington, D.C. 20220.

The Treasury Small Business Advisory Committee was formed to provide a means of communication between the small business community and Treasury officials on numerous economic issues, including capital formation, tax policy, tax administration and governmental regulations. The Tax Policy subcommittee will focus on the following subjects: (1) Accumulated earnings tax; (2) accounting for inventories; (3) President's proposal to a allow small business to use a simplified method of depreciation; (4) relief from estimated tax for rapidly developing small businesses.

The meeting will be open to the public. A limited number of seats will be available. In order to facilitate admittance, persons interested in attending are asked to call 566-5487 so that confirmation of space and access procedures can be provided.

Interested persons may file a written statement with the Subcommittee before, during or after the meeting. The Subcommittee Chairman will, as time permits, entertain oral comments from members of the public attending the meeting. Persons interested in making oral statements are asked to call 566-5487 before 5 p.m. on June 2.

Minutes of the meeting will be available on request from the Treasury Small Business Advisory Committee.

Inquires may be directed to Frederic H. Sweet, Special Assistant to the secretary (Consumer Affairs) Department of the Treasury, Main Treasury Building, Room 4453, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-5487.

Dated: May 17, 1978.

ROBERT CARSWELL,
Deputy Secretary.

[FR Doc. 78-14305 Filed 5-22-78; 8:45 am]

[4010-22]

TRIGGER BASE PRICES AND "EXTRAS" FOR IMPORTED STEEL MILL PRODUCTS

I am hereby announcing trigger base prices and extras for wire nails and heavy carbon steel rails to be used by the Treasury Department in monitoring imports of these products under the trigger price mechanism. I am also republishing a number of pages in the Steel Trigger Price Handbook to correct typographical and other errors made in prior announcements. 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 for wire nails and heavy carbon steel rails 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.

The quarterly revisions in trigger prices announced by the Treasury De-

partment on May 5, 1978 will also apply to wire nails and heavy carbon steel rails. As with other fabricated products referred to in section C of the Treasury Department notice, a 5.5 percent revision will be applied to the trigger base price plus extras for these products, effective for shipments exported on or after July 1, 1978.

Dated: May 16, 1978.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc. 78-13718 Filed 5-22-78; 8:45 am]

REV. May, 1978

REV. MAY, 1978

WIRE RODS - COLD FINISHED BAR QUALITY

WIDE FLANGE BEAMS AND BEARING PILING - ASTM A36 12" X 12"

Extras (Sizes / Grade) Per Metric Ton

GRADE (AISI NUMBER)	S I Z E S			
	7/32" Thru 35/64"	Over 35/64" to Under 39/64"	39/64" To Under 3/4"	3/4" And Over
1015, 1016, 1017 1018, 1019, 1020 1021, 1022, 1023 1025, 1026	Minus \$34	\$21	\$ 9	Minus \$10
1029, 1030, 1035 1037, 1038, 1039 1046, 1042, 1043 1044, 1045, 1046 1049, 1050	Minus \$18	\$22	\$ 9	Minus \$ 9
1117 1141 1144 1151	Minus \$ 5 2 2 4	\$48 36 41 43	\$36 24 28 30	\$16 5 9 11
1212, 1213, 1215	Minus \$ 2	\$41	\$28	\$ 9
10L18 10L38, 10L45	Minus \$15 NIL	\$49 41	\$37 28	\$17 9
11L17 11L37	\$21 14	\$77 54	\$65 42	\$43 22
12L14, 12L15	\$14	\$57	\$45	\$24

Tolerance Extra
If Bar tolerances are specified or required for over 35/64" to under 3/4"---plus
\$10 per metric ton

Category AISI 3

Tariff Schedule Number(s)

609.8015
609.8005
609.8200

0.1¢ per lb.

0.1¢ per lb.

0.1¢ per lb. +2% + additional
duties (see Headnote 4, TSUS)

Base Price per Metric Ton

\$259

Charges to CIF

Ocean Freight

Handling

Interest

West Coast

Gulf Coast

Atlantic Coast

Great Lakes

\$27

30

34

47

\$ 3

5

4

4

\$ 5

7

7

9

Insurance 1% of base price + extras + ocean freight

Extras

1. Size Extras

2. Grade Extras

3. Cut Length Extras

4. Splitting Extras

Heavy Carbon Steel Rails

Area 115, 132 or 136

Category AISI 6

Tariff Schedule Number (s) 610.2010 .05¢ per lb.

Base Price per Metric Ton \$298

Charges to CIF	Ocean Freight			Handling	Interest
	40'	50'	60'		
West Coast	\$26	\$30	\$33	\$3	\$6
Gulf Coast	27	30	33	5	8
Atlantic Coast	35	38	41	4	8
Great Lakes	47	50	—	4	10

Insurance 1% of base price + extras + ocean freight

Extras

Quality, Length, Quantity

General Extras for Heavy Rails

	<u>% Extra/M.T.</u>
1. Quality	
Carbon	base
Heat Treating (Equivalent to head hardening)	6.6
End Hardening	3
2. Length	
Standard Length with Short (up to 11%)-25' to 82'	base
3. Quantity	
200 M.T. and over	base
under 200 thru 100 M.T.	4
under 100 thru 50 M.T.	5

Wire Nails	20 d # 6 x 13/32 x 4"
Bright Common	

Category AISI 20

Tariff Schedule Number(s) 646.2500 - 0.5¢ per lb.
 646.2622 - 0.1¢ per lb.
 through
 646.2648

Base Price per Metric Ton \$383

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$42	\$3	\$11
Gulf Coast	50	5	14
Atlantic Coast	60	4	14
Great Lakes	68	4	18

Insurance 1% of base price + extras + ocean freight

Extras

1. General Extras - see Table 1, pg. 20-2.
2. Regular and Semi - Regular Wire Nails - see Table 2, pg. 20-3 thru pg. 29-9.
3. Smooth Shank Speciality Wire Nails - see pg. 20-10 - pg. 20-13. Special Order Size Extras, see pg. 20-14.
4. Ring, Screw and Fluted Shank Speciality Wire Nails, see pg. 20-15. Special Order Size Extras, see pg. 20-19.

Table 1.

General Extras

I. MACHINE USE QUALITY		per 50 lbs.	\$0.80
II. PACKING STANDARD	50 lbs. Carton (loose)		base
	100 lbs. Carton		\$0
	1 lb. x 50		\$4.00
	5 lbs. x 10		\$2.80
III. PALLETIZING		per 50 lbs.	\$0.40
IV. QUANTITY EXTRA			
	Less than 2,400 lbs. per	Size Order Marking Destination Shipment	\$0.30 per 50 lbs.

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

<u>TYPE/SIZE</u>		<u>TOTAL EXTRA</u>	<u>SIZE EXTRA</u>	<u>E/G EXTRA</u>
(1) <u>Bright Common Nails</u>				
2 d	ASWG # 15 x 11/64" x 1"	\$2.25		(\$2.25)
3 d	# 14 x 13/64" x 1-1/4"	1.85		(1.85)
4 d	# 12-1/2 x 1/4" x 1-1/2"	1.50		(1.50)
5 d	# 12-1/2 x 1/4 x 1-3/4"	1.20		(1.20)
6 d	# 11-1/2 x 17/64" x 2"	0.80		(0.80)
7 d	# 11-1/2 x 17/64" x 2-1/4"	0.75		(0.75)
8 d	# 10-1/4 x 9/32" x 2-1/2"	0.60		(0.60)
9 d	# 10-1/4 x 9/32" x 2-3/4"	0.60		(0.60)
10 d	# 9 x 5/16" x 3"	0.50		(0.50)
12 d	# 9 x 5/16" x 3-1/4"	0.50		(0.50)
16 d	# 8 x 11/32" x 3-1/2"	0.40		(0.40)
20 d	# 6 x 13/32" x 4"	Base		(Base)
30 d	# 5 x 7/16" x 4-1/2"	0.75		(0.75)
40 d	# 4 x 15/32" x 5"	0.75		(0.75)
50 d	# 3 x 1/2" x 5-1/2"	0.75		(0.75)
60 d	# 2 x 17/32" x 6"	0.95		(0.95)

(2) Bright Smooth Box Nails

2 d	ASWG # 15-1/2 x 3/16" x 1"	\$2.80		(\$2.80)
3 d	# 14-1/2 x 7/32" x 1-1/4"	2.20		(2.20)
4 d	# 14 x 7/32" x 1-1/2"	1.80		(1.80)
5 d	# 14 x 7/32" x 1-3/4"	1.40		(1.40)
6 d	# 12-1/2 x 17/64" x 2"	1.10		(1.10)
7 d	# 12-1/2 x 17/64" x 2-1/4"	1.05		(1.05)
8 d	# 11-1/2 x 19/64" x 2-1/2"	0.95		(0.95)
9 d	# 11-1/2 x 19/64" x 2-3/4"	0.95		(0.95)
10 d	# 10-1/2 x 5/16" x 3"	0.75		(0.75)
12 d	# 10-1/2 x 5/16" x 3-1/4"	0.75		(0.75)
16 d	# 10 x 11/32" x 3-1/2"	0.70		(0.70)
20 d	# 9 x 3/8" x 4"	0.60		(0.60)
30 d	# 9 x 3/8" x 4-1/2	1.10		(1.10)
40 d	# 8 x 13/32" x 5"	1.10		(1.10)

(3) Bright Finishing Nails Cupped Head

2 d	ASWG # 16-1/2 x 13-1/2 x 1"	\$3.55		(\$3.55)
3 d	# 15-1/2 x 12-1/2 x 1-1/4"	2.90		(2.90)
4 d	# 15 x 12 x 1-1/2"	2.30		(2.30)
5 d	# 15 x 12 x 1-3/4"	2.10		(2.10)
6 d	# 13 x 10 x 2"	1.45		(1.45)
8 d	# 12-1/2 x 9-1/2 x 2-1/2"	1.40		(1.40)
9 d	# 12-1/2 x 9-1/2 x 2-3/4"	1.35		(1.35)
10 d	# 11-1/2 x 8-1/2 x 3"	1.35		(1.35)
12 d	# 11-1/2 x 8-1/2 x 3-1/4"	1.25		(1.25)
16 d	# 11 x 8 x 3-1/2"	1.20		(1.20)
20 d	# 10 x 7 x 4"	1.10		(1.10)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE		TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(4) <u>Bright Casing Nails</u>				
2 d	ASWG # 15-1/2 x 12-1/2 x 1"	\$3.10	(\$3.10)	
3 d	# 14-1/2 x 11-1/2 x 1-1/4"	2.50	(2.50)	
4 d	# 14 x 11 x 1-1/2"	1.90	(1.90)	
5 d	# 14 x 11 x 1-3/4"	1.70	(1.70)	
6 d	# 12-1/2 x 9-1/2 x 2"	1.25	(1.25)	
7 d	# 12-1/2 x 9-1/2 x 2-1/4"	1.20	(1.20)	
8 d	# 11-1/2 x 8-1/2 x 2-1/2"	1.10	(1.10)	
9 d	# 11-1/2 x 8-1/2 x 2-3/4"	1.10	(1.10)	
10 d	# 10-1/2 x 7-1/2 x 3"	1.05	(1.05)	
12 d	# 10-1/2 x 7-1/2 x 3-1/4"	1.05	(1.05)	
16 d	# 10 x 7 x 3-1/3"	0.95	(0.95)	
(5) <u>E/G (Electric Galvanized) Common Nails</u>				
2 d	ASWG # 15 x 11/64" x 1"	\$4.85	(\$2.25)	(\$2.60)
3 d	# 14 x 13/64" x 1-1/4"	4.45	(1.85)	(2.60)
4 d	# 12-1/2 x 1/4" x 1-1/2"	4.10	(1.50)	(2.60)
5 d	# 12-1/2 x 1/4" x 1-3/4"	3.80	(1.20)	(2.60)
6 d	# 11-1/2 x 17/64" x 2"	3.00	(0.80)	(2.20)
7 d	# 11-1/2 x 17/64" x 2-1/4"	2.95	(0.75)	(2.20)
8 d	# 10-1/4 x 9/32" x 2-1/2"	2.80	(0.60)	(2.20)
9 d	# 10-1/4 x 9/32" x 2-3/4"	2.80	(0.60)	(2.20)
10 d	# 9 x 5/16" x 3"	2.70	(0.50)	(2.20)
12 d	# 9 x 5/16" x 3-1/4"	2.70	(0.50)	(2.20)
16 d	# 8 x 11/32" x 3-1/2"	2.60	(0.40)	(2.20)
20 d	# 6 x 13/32" x 4"	2.20	(-)	(2.20)
30 d	# 5 x 7/16" x 4-1/2"	2.95	(0.75)	(2.20)
40 d	# 4 x 15/32" x 5"	2.95	(0.75)	(2.20)
50 d	# 3 x 1/2" x 5-1/2"	2.95	(0.75)	(2.20)
60 d	# 2 x 17/32" x 6"	3.15	(0.95)	(2.20)
(6) <u>E/G Smooth Box Nails</u>				
2 d	ASWG # 15-1/2 x 3/16" x 1"	\$5.40	(\$2.80)	(\$2.60)
3 d	# 14-1/2 x 7/32" x 1-1/4"	4.80	(2.20)	(2.60)
4 d	# 14 x 7/32" x 1-1/2"	4.40	(1.80)	(2.60)
5 d	# 14 x 7/32" x 1-3/4"	4.00	(1.40)	(2.60)
6 d	# 12-1/2 x 17/64" x 2"	3.30	(1.10)	(2.20)
7 d	# 12-1/2 x 17/64" x 2-1/4"	3.25	(1.05)	(2.20)
8 d	# 11-1/2 x 19/64" x 2-1/2"	3.15	(0.95)	(2.20)
9 d	# 11-1/2 x 19/64" x 2-3/4"	3.15	(0.95)	(2.20)
10 d	# 10-1/2 x 5/16" x 3"	2.95	(0.75)	(2.20)
12 d	# 10-1/2 x 5/16" x 3-1/4"	2.95	(0.75)	(2.20)
16 d	# 10 x 11/32" x 3-1/2"	2.90	(0.70)	(2.20)
20 d	# 9 x 3/8" x 4"	2.80	(0.60)	(2.20)
30 d	# 9 x 3/8" x 4-1/2"	3.30	(1.10)	(2.20)
40 d	# 8 x 13/32" x 5"	3.30	(1.10)	(2.20)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

<u>TYPE/SIZE</u>			<u>TOTAL EXTRA</u>	<u>SIZE EXTRA</u>	<u>E/G EXTRA</u>
(7) <u>E/G Finishing Nails Cupped Head</u>					
2 d	ASWG	# 16-1/2 x 13-1/2 x 1"	\$6.15	(\$3.55)	(\$2.60)
3 d		# 15-1/2 x 12-1/2 x 1-1/4"	5.50	(2.90)	(2.60)
4 d		# 15 x 12 x 1-1/2"	4.90	(2.30)	(2.60)
5 d		# 15 x 12 x 1-3/4"	4.70	(2.10)	(2.60)
6 d		# 13 x 10 x 2"	3.65	(1.45)	(2.20)
8 d		# 12-1/2 x 9-1/2 x 2-1/2"	3.60	(1.40)	(2.20)
9 d		# 12-1/2 x 9-1/2 x 2-3/4"	3.55	(1.35)	(2.20)
10 d		# 11-1/2 x 8-1/2 x 3"	3.55	(1.35)	(2.20)
12 d		# 11-1/2 x 8-1/2 x 3-1/4"	3.45	(1.25)	(2.20)
16 d		# 11 x 8 x 3-1/2"	3.40	(1.20)	(2.20)
20 d		# 10 x 7 x 4"	3.30	(1.10)	(2.20)
(8) <u>E/G Casing Nails</u>					
2 d	ASWG	# 15-1/2 x 12-1/2 x 1"	\$5.70	(\$3.10)	(\$2.60)
3 d		# 14-1/2 x 11-1/2 x 1-1/4"	5.10	(2.50)	(2.60)
4 d		# 14 x 11 x 1-1/2"	4.50	(1.90)	(2.60)
5 d		# 14 x 11 x 1-3/4"	4.30	(1.70)	(2.60)
6 d		# 12-1/2 x 9-1/2 x 2"	3.45	(1.25)	(2.20)
7 d		# 12-1/2 x 9-1/2 x 2-1/4"	3.40	(1.20)	(2.20)
8 d		# 11-1/2 x 8-1/2 x 2-1/2"	3.30	(1.10)	(2.20)
9 d		# 11-1/2 x 8-1/2 x 2-3/4"	3.30	(1.10)	(2.20)
10 d		# 10-1/2 x 7-1/2 x 3"	3.25	(1.05)	(2.20)
12 d		# 10-1/2 x 7-1/2 x 3-1/4"	3.25	(1.05)	(2.20)
16 d		# 10 x 7x3-1/3"	3.15	(0.95)	(2.20)
(9) <u>H/D (Hot Dip Galvanized) Common Nails</u>					
					<u>H/D Extra</u>
2 d	ASWG	# 15 x 11/64" x 1"	\$8.45	(\$2.25)	(\$6.20)
3 d		# 14 x 13/64" x 1-1/4"	8.05	(1.85)	(6.20)
4 d		# 12-1/2 x 1/4" x 1-1/2"	7.70	(1.50)	(6.20)
5 d		# 12-1/2 x 1/4" x 1-3/4"	7.40	(1.20)	(6.20)
6 d		# 11-1/2 x 17/64" x 2"	6.60	(0.80)	(5.80)
7 d		# 11-1/2 x 17/64" x 2-1/4"	6.55	(0.75)	(5.80)
8 d		# 10-1/4 x 9/32" x 2-1/2"	6.40	(0.60)	(5.80)
9 d		# 10-1/4 x 9/32" x 2-3/4"	6.40	(0.60)	(5.80)
10 d		# 9 x 5/16" x 3"	6.30	(0.50)	(5.80)
12 d		# 9 x 5/16" x 3-1/4"	6.30	(0.50)	(5.80)
16 d		# 8 x 11/32" x 3-1/2"	6.20	(0.40)	(5.80)
20 d		# 6 x 13/32" x 4"	5.80	(Base)	(5.80)
30 d		# 5 x 7/16" x 4-1/2"	6.55	(0.75)	(5.80)
40 d		# 4 x 15/32" x 5"	6.55	(0.75)	(5.80)
50 d		# 3 x 1/2" x 5-1/2"	6.55	(0.75)	(5.80)
60 d		# 2 x 17/32" x 6"	6.75	(0.95)	(5.80)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE		TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(10) H/D Smooth Box Nails				H/D Extra
2 d	ASWG # 15-1/2 x 3/16" x 1"	\$9.00	(\$2.80)	(\$6.20)
3 d	# 14-1/2 x 7/32" x 1-1/4"	8.40	(2.20)	(6.20)
4 d	# 14 x 7/32" x 1-1/2"	8.00	(1.80)	(6.20)
5 d	# 14 x 7/32" x 1-3/4"	7.60	(1.40)	(6.20)
6 d	# 12-1/2 x 17/64" x 2"	6.90	(1.10)	(5.80)
7 d	# 12-1/2 x 17/64" x 2-1/4"	6.85	(1.05)	(5.80)
8 d	# 11-1/2 x 19/64" x 2-1/2"	6.75	(0.95)	(5.80)
9 d	# 11-1/2 x 19/64" x 2-3/4"	6.75	(0.95)	(5.80)
10 d	# 10-1/2 x 5/16" x 3"	6.55	(0.75)	(5.80)
12 d	# 10-1/2 x 5/16" x 3-1/4"	6.55	(0.75)	(5.80)
16 d	# 10 x 11/32" x 3-1/2"	6.50	(0.70)	(5.80)
20 d	# 9 x 3/8 x 4"	6.40	(0.60)	(5.80)
30 d	# 9 x 3/8" x 4-1/2"	6.90	(1.10)	(5.80)
40 d	# 8 x 13/32" x 5"	6.90	(1.10)	(5.80)
(11) H/D Finishing Nails Cupped Head				H/D Extra
2 d	ASWG # 16-1/2 x 13-1/2 x 1"	\$9.75	(\$3.55)	(\$6.20)
3 d	# 15-1/2 x 12-1/2 x 1-1/4"	9.10	(2.90)	(6.20)
4 d	# 15 x 12 x 1-1/2"	8.50	(2.30)	(6.20)
5 d	# 15 x 12 x 1-3/4"	8.30	(2.10)	(6.20)
6 d	# 13 x 10 x 2"	7.25	(1.45)	(5.80)
8 d	# 12-1/2 x 9-1/2 x 2-1/2"	7.20	(1.40)	(5.80)
9 d	# 12-1/2 x 9-1/2 x 2-3/4"	7.15	(1.35)	(5.80)
10 d	# 11-1/2 x 8-1/2 x 3"	7.15	(1.35)	(5.80)
12 d	# 11-1/2 x 8-1/2 x 3-1/4"	7.05	(1.25)	(5.80)
16 d	# 11 x 8 x 3-1/2"	7.00	(1.20)	(5.80)
20 d	# 10 x 7 x 4"	6.90	(1.10)	(5.80)
(12) H/D Casing Nails				H/D Extra
2 d	ASWG # 15-1/2 x 12-1/2 x 1"	\$9.30	(\$3.10)	(\$6.20)
3 d	# 14-1/2 x 11-1/2 x 1-1/4"	8.70	(2.50)	(6.20)
4 d	# 14 x 11 x 1-1/2"	8.10	(1.90)	(6.20)
5 d	# 14 x 11 x 1-3/4"	7.90	(1.70)	(6.20)
6 d	# 12-1/2 x 9-1/2 x 2"	7.05	(1.25)	(5.80)
7 d	# 12-1/2 x 9-1/2 x 2-1/4"	7.00	(1.20)	(5.80)
8 d	# 11-1/2 x 8-1/2 x 2-1/2"	6.90	(1.10)	(5.80)
9 d	# 11-1/2 x 8-1/2 x 2-3/4"	6.90	(1.10)	(5.80)
10 d	# 10-1/2 x 7-1/2 x 3"	6.85	(1.05)	(5.80)
12 d	# 10-1/2 x 7-1/2 x 3-1/4"	6.85	(1.05)	(5.80)
16 d	# 10 x 7 x 3-1/3"	6.75	(0.95)	(5.80)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
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(13) Cement Coated Box Nails

2 d ASWG # 16-1/2 x 11/64" x 1"	\$3.85	(\$3.85)	
3 d # 16 x 3/16" x 1-1/8"	3.25	(3.25)	
4 d # 15 x 13/64" x 1-3/8"	2.90	(2.90)	
4-1/2 d # 15 x 7/32" x 1-1/2"	2.90	(2.90)	
5 d # 15 x 7/32" x 1-5/8"	2.40	(2.40)	
6 d # 13-1/2 x 1/4" x 1-7/8"	2.05	(2.05)	
7 d # 13-1/2 x 1/4" x 2-1/8"	2.00	(2.00)	
8 d # 12-1/2 x 17/64" x 2-3/8"	1.80	(1.80)	
9 d # 12-1/2 x 17/64" x 2-5/8"	1.80	(1.80)	
10 d # 11-1/2 x 19/64" x 2-7/8"	1.65	(1.65)	

(14) Cement Coated Corkers Nails

2 d ASWG # 16 x 5/32" x 1"	\$3.60	(\$3.60)	
3 d # 15 x 3/16" x 1-1/4"	3.00	(3.00)	
4 d # 13-1/2 x 7/32" x 1-1/2"	2.30	(2.30)	
5 d # 13-1/2 x 7/32" x 1-5/8"	2.05	(2.05)	
6 d # 12-1/2 x 1/4" x 1-7/8"	1.80	(1.80)	
7 d # 12-1/2 x 1/4" x 2-1/8"	1.70	(1.70)	
8 d # 11 x 9/32" x 2-3/8"	1.55	(1.55)	
9 d # 11 x 9/32" x 2-5/8"	1.55	(1.55)	
10 d # 10 x 5/16" x 2-7/8"	1.45	(1.45)	
12 d # 10 x 5/16" x 3-1/8"	1.40	(1.40)	
16 d # 9 x 11/32" x 3-3/8"	1.35	(1.35)	
20 d # 7 x 3/8" x 3-7/8"	1.20	(1.20)	
30 d # 6 x 13/32" x 4-3/8"	1.55	(1.55)	
40 d # 5 x 7/16" x 4-7/8"	1.55	(1.55)	
50 d # 4 x 15/32" x 5-3/8"	1.55	(1.55)	
60 d # 3 x 1/2" x 5-7/8"	1.80	(1.80)	

(15) Cement Coated Coolers Nails

2 d ASWG # 16 x 11/64" x 1"	\$3.60	(\$3.60)	
3 d # 15-1/2 x 3/16" x 1-1/8"	3.00	(3.00)	
4 d # 14 x 7/32" x 1-3/8"	2.30	(2.30)	
5 d # 13-1/2 x 15/64" x 1-5/8"	2.05	(2.05)	
6 d # 13 x 1/4" x 1-7/8"	1.80	(1.80)	
7 d # 12-1/2 x 17/64" x 2-1/8"	1.70	(1.70)	
8 d # 11-1/2 x 9/32" x 2-3/8"	1.55	(1.55)	
9 d # 11-1/2 x 9/32" x 2-5/8"	1.55	(1.55)	
10 d # 11 x 19/64" x 2-7/8"	1.45	(1.45)	

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(16) <u>Cement Coated or Vinyl Coated Sinkers Nails</u>			
3 d ASWG # 15-1/2 x 11/64" x 1-1/8"	\$3.00	(3.00)	
4 d # 14 x 13/64" x 1-3/8"	2.30	(2.30)	
5 d # 13-1/2 x 7/32" x 1-5/8"	2.05	(2.05)	
6 d # 13 x 15/64" x 1-7/8"	1.80	(1.80)	
7 d # 12-1/2 x 1/4" x 2-1/8"	1.70	(1.70)	
8 d # 11-1/2 x 17/64" x 2-3/8"	1.55	(1.55)	
10 d # 11 x 9/32" x 2-7/8"	1.45	(1.45)	
12 d # 10 x 5/16" x 3-1/8"	1.40	(1.40)	
16 d # 9 x 11/32" x 3-1/4"	1.35	(1.35)	
20 d # 7 x 3/8" x 3-3/4"	1.20	(1.20)	
30 d # 6 x 13/32" x 4-1/4"	1.55	(1.55)	
40 d # 5 x 7/16" x 4-3/4"	1.55	(1.55)	
60 d # 3 x 1/2" x 5-3/4"	1.80	(1.80)	
(17) <u>Cement Coated Apple Box Nails</u>			
5 d ASWG # 14 x 15/64" x 1-5/8"	\$2.40	(\$2.40)	
5-1/2 d # 14 x 15/64" x 1-3/8"	2.40	(2.40)	
(18) <u>Cement Coated Fruit Box Nails</u>			
4 d ASWG # 15 x 7/32" x 1-3/8"	\$2.90	(\$2.90)	
(19) <u>Cement Coated Orange Box Nails</u>			
4 d ASWG # 15 x 7/32" x 1-1/4"	\$2.90	(\$2.90)	
(20) <u>Cement Coated Egg Case Nails</u>			
3 d ASWG # 15 x 7/32" x 1-1/8"	\$3.25	(\$3.25)	
(21) <u>Bright Barbed Roofing Nails</u>			
ASWG # 11 x 7/16" x 1/2"	\$6.95	(\$6.95)	
x 5/8"	5.05	(5.05)	
x 3/4"	4.10	(4.10)	
x 7/8"	3.50	(3.50)	
x 1"	3.00	(3.00)	
x 1-1/4"	2.65	(2.65)	
x 1-1/2"	2.40	(2.40)	
x 1-3/4"	2.20	(2.20)	
x 2"	1.80	(1.80)	

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

<u>TYPE/SIZE</u>	<u>TOTAL EXTRA</u>	<u>SIZE EXTRA</u>	<u>E/G EXTRA</u>
12 x 3/8" x 1/2"	7.25	(7.25)	
x 5/8"	5.65	(5.65)	
x 3/4"	4.70	(4.70)	
x 7/8"	4.10	(4.10)	
x 1"	3.60	(3.60)	
x 1-1/4"	3.25	(3.25)	
x 1-1/2"	3.00	(3.00)	
x 1-3/4"	2.80	(2.80)	
x 2"	2.40	(2.40)	

(22) E/G (Electric Galvanized) Barbed Roofing Nails

ASWG # 11 x 7/16" x 1/2"	\$7.80	(\$7.80)
x 5/8"	6.20	(6.20)
x 3/4"	5.20	(5.20)
x 7/8"	4.60	(4.60)
x 1"	4.10	(4.10)
x 1-1/4"	3.80	(3.80)
x 1-1/2"	3.50	(3.50)
x 1-3/4"	3.35	(3.35)
x 2"	2.90	(2.90)
ASWG # 12 x 3/8" x 1/2"	8.40	(8.40)
x 5/8"	6.80	(6.80)
x 3/4"	5.80	(5.80)
x 7/8"	5.20	(5.20)
x 1"	4.70	(4.70)
x 1-1/4"	4.40	(4.40)
x 1-1/2"	4.10	(4.10)
x 1-3/4"	3.95	(3.95)
	2.50	(2.50)

(23) Bright Duplex Head Nails

		<u>Size Extra</u>	<u>Head Extra</u>
6d ASWG #11-1/2 x 17/64" x 1-3/4"	\$3.00	(\$2.35)	(\$0.65)
8d #10-1/4 x 9/32" x 2-1/4"	2.85	(2.20)	(0.65)
10d #9 x 5/16" x 2-3/4"	2.85	(2.20)	(0.65)
16d #8 x 11/32" x 3"	2.85	(2.20)	(0.65)

(24) Bright Smooth Joist Hanger Nails

		<u>Size Extra</u>
ASWG #11 x 9/32" x 1-1/4"	\$2.50	(\$2.50)
#10-1/4 x 9/32" x 1-1/2"	2.30	(2.30)
# 9 x 5/16" x 1-1/2"	2.30	(2.30)

(25) Tempered Hardened Steel Concrete Steel Nails

		<u>Size Extra</u>	<u>T.H. Extra</u>
ASWG # 9 x 3/16" x 3/4"	\$6.40	(\$2.60)	(\$3.80)
x 1"	6.30	(2.50)	(3.80)
x 1-1/2"	6.10	(2.30)	(3.80)
x 2"	6.00	(2.20)	(3.80)
# 12 x 3/16" x 3/4"	6.80	(3.00)	(3.80)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

(26) Bright Smooth Shank Drywall NailsSize Extra

ASWG # 12-1/2 x 19/64" x 1-1/8"	\$2.60	(\$2.60)
x 1-3/8"	2.60	(2.60)
x 1-1/2"	2.45	(2.45)

(27) Bright Barbed Shank Plywood NailsSize ExtraBarbed Extra

ASWG # 9 x 5/16" x 2"	\$2.50	(\$2.20)	(\$0.30)
x 2-1/8"	2.50	(2.20)	(0.30)
x 2-1/2"	2.40	(2.10)	(0.30)
# 10-1/4 x 9/32" x 1-1/4"	2.70	(2.40)	(0.30)

(28) Bright Barbed Shank Joist Hanger NailsSize ExtraBarbed Extra

ASWG # 11 x 9/32" x 1-1/4"	\$2.80	(\$2.50)	(\$0.30)
# 10-1/4 x 9/32" x 1-1/2"	2.60	(2.30)	(0.30)
# 9 x 5/16" x 1-1/2"	2.60	(2.30)	(0.30)

(29) Bright Barbed Shank Truss NailsSize ExtraBarbed Extra

ASWG # 11 x 9/32" x 1-1/2"	\$2.65	(\$2.35)	(\$0.30)
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Smooth Shank Specialty Nail Extras (\$Extra/50 lbs.)

(30) C.C. (Cement Coated) Plaster Board NailsSize ExtraC.C. ExtraHead Extra

ASWG # 13 x 19/64" x 1"	\$3.30	(\$2.70)	(\$0.60)
x 1-3/8"	3.30	(2.70)	(0.60)
x 1-1/2"	3.15	(2.55)	(0.60)
# 13 x 11/32" x 1-1/2"	4.00	(2.55)	(0.60) (\$0.85)
x 1-3/4"	4.00	(2.55)	(0.60) (0.85)
# 13 x 3/8" x 1-1/2"	4.00	(2.55)	(0.60) (0.85)
x 1-3/4"	4.00	(2.55)	(0.60) (0.85)

(31) C.C. Smooth Shank Drywall NailsSize ExtraC.C. ExtraHead Extra

ASWG # 12-1/2 x 19/64" x 1-3/8"	\$3.20	(\$2.60)	(\$0.60)
x 1-1/2"	3.05	(2.45)	(0.60)
# 12-1/2 x 1/4" x 1-3/8"	3.20	(2.60)	(0.60)
x 1-1/2"	3.05	(2.45)	(0.60)
# 12-1/2 x 11/32" x 1-1/2"	3.90	(2.45)	(0.60) (0.85)

(32) C.C. Barbed Shank Truss NailsSize ExtraC.C. ExtraBarbed Extra

ASWG # 11 x 9/32" x 1-1/2"	\$3.25	(\$2.35)	(\$0.60) (\$0.30)
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(33) C.C. (or Vinyl Coated) Barbed Drywall NailsSize ExtraC.C. ExtraBarbed Extra

ASWG # 14 x 1/4 x 1-1/4"	\$4.00	(\$3.10)	(\$0.60) (\$0.30)
13 x 19/64" x 1-1/8"	3.60	(2.70)	(0.60) (0.30)
12-1/2 x 19/64" x 1-1/2"	3.35	(2.45)	(0.60) (0.30)

(34) Phosphate Coated Drywall Nails (Flat Head)Size ExtraPhosphate Extra

ASWG # 14 x 1/4" x 1-1/4"	\$4.80	(\$3.10)	(\$1.70)
13 x 19/64" x 1-5/8"	4.25	(2.55)	(1.70)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE		TOTAL EXTRA			
		Size Extra	Phosphate Extra	Full Cup Extra	
(35) <u>Phosphate Coated Drywall Nails (Full Cup Head)</u>					
ASWG # 14 x 1/4" x 1-1/4"	\$5.45	(\$3.10)	(\$1.70)	(\$0.65)	
# 13 x 9/32 x 1-3/8"	5.05	(2.70)	(1.70)	(0.65)	
# 13-1/2 x 19/64" x 1-5/8"	4.90	(2.55)	(1.70)	(0.65)	
(36) <u>H/D Galv. Smooth Siding Nails</u>		Size Extra	H/D Extra		
7d ASWG # 11-1/2 x 7/32 x 2-1/4"	\$8.00	(\$2.20)	(\$5.30)		
8d x 2-1/2"	7.80	(2.00)	(5.80)		
(37) <u>Sterilized Blued Plaster Board Nails</u>		Size Extra	Blued Extra	Head Size Extra	
ASWG # 13 x 19/64" x 1"	\$4.60	(\$2.70)	(\$1.90)		
x 1-1/8"	4.60	(2.70)	(1.90)		
x 1-1/2"	4.45	(2.55)	(1.90)		
ASWG # 13 x 3/8" x 1"	5.45	(2.70)	(1.90)	(\$0.85)	
(38) <u>Sterilized Blued Lath Nails</u>		Size Extra	Blued Extra		
2d ASWG # 16-1/2 x 9/64" x 1"	\$5.30	(\$3.40)	(\$1.90)		
3d # 15 x 11/64" x 1-1/8"	5.30	(3.40)	(1.90)		
(39) <u>Sterilized Blued Shingle Nails</u>		Size Extra	Blued Extra		
ASWG # 15 x 7/32" x 1-1/4"	\$5.30	(\$3.40)	(\$1.90)		
# 16 x 5/32" x 1-1/8"	5.30	(3.40)	(1.90)		
(40) <u>E/G Smooth Siding Nails</u>		Size Extra	E/G Extra		
5d ASWG # 14 x 1-3/4"	\$5.50	(\$2.90)	(\$2.60)		
6d # 12-1/2 x 2"	4.50	(2.30)	(2.20)		
7d # 12-1/2 x 2-1/4"	4.50	(2.30)	(2.20)		
8d # 11-1/2 x 2-1/2"	4.30	(2.10)	(2.20)		
(41) <u>E/G Shingle Nails</u>		Size Extra	E/G Extra		
3d ASWG # 14 x 1/4" x 1-1/4"	\$5.70	(\$3.10)	(\$2.60)		
4d # 13 x 1/4" x 1-1/2"	5.15	(2.55)	(2.60)		
(42) <u>E/G Plaster Board Nails</u>		Size Extra	E/G Extra		
ASWG # 13 x 19/64" x 1"	\$5.30	(\$2.70)	(\$2.60)		
x 1-1/4"	5.30	(2.70)	(2.60)		
x 1-1/2"	5.15	(2.55)	(2.60)		
(43) <u>E/G Smooth Joist Hanger Nails</u>		Size Extra	E/G Extra		
ASWG # 9 x 5/16" x 1-1/4"	\$5.00	(\$2.40)	(\$2.60)		
x 1-1/2"	4.50	(2.30)	(2.20)		
10-1/4 x 9/32" x 1-1/4"	5.00	(2.40)	(2.60)		
(44) <u>E/G Barbed Shank Joist Hanger Nails</u>		Size Extra	E/G Extra	Barbed Extra	
ASWG # 8 x 11/32" x 2"	\$4.80	(\$2.30)	(\$2.20)	(\$0.30)	
# 9 x 5/16" x 1-1/2"	4.80	(2.30)	(2.20)	(0.30)	
# 10-1/4 x 9/32" x 1-1/2"	4.80	(2.30)	(2.20)	(0.30)	
# 11 x 19/64" x 1-1/4"	5.40	(2.50)	(2.60)	(0.30)	

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE		TOTAL EXTRA			
		Size Extra	E/G Extra	Barbed Extra	
(45) <u>E/G Barbed Shank Plywood Nails</u>					
ASWG # 10-1/4 x 7/16" x 1-7/8"	\$4.80	(\$2.30)	(\$2.20)	(\$0.30)	
(46) <u>E/G Barbed Shank Truss Nails</u>					
ASWG # 11 x 9/32" x 1-1/2"	\$4.85	(\$2.35)	(\$2.20)	(\$0.30)	
(47) <u>E/G Barbed Shank Siding Nails</u>					
ASWG # 14 x 3/16" x 1-3/4"	\$5.80	(\$2.90)	(\$2.60)	(\$0.30)	
# 13-1/2 x 1/32" x 1-1/2"	5.45	(2.55)	(2.60)	(0.30)	
(48) <u>E/G Tempered Hardened Steel Concrete Stub Nails</u>					
ASWG # 9 x 5/16 x 1/2"	\$9.60	(\$3.20)	(\$2.60)	(\$3.80)	
x 3/4"	9.00	(2.60)	(2.60)	(3.80)	
x 7/8"	8.90	(2.50)	(2.60)	(3.80)	
x 1"	8.80	(2.40)	(2.60)	(3.80)	
x 1-1/2"	8.70	(2.30)	(2.60)	(3.80)	
x 2"	8.20	(2.20)	(2.20)	(3.80)	
(49) <u>E/G Barbed Shank Painted Siding Nails</u>					
ASWG # 12-1/2 x 3/16" x 2"	\$9.10	(\$2.30)	(\$2.20)	(\$4.30)	(\$0.30)
x 2-1/2"	8.90	(2.10)	(2.20)	(4.30)	(0.30)
# 13 x 3/16" x 1-1/4"	9.90	(2.70)	(2.60)	(4.30)	(0.30)
x 1-1/2"	9.75	(2.55)	(2.60)	(4.30)	(0.30)
x 2"	9.20	(2.40)	(2.20)	(4.30)	(0.30)

Special Order Size Extras For Smooth Shank Specialty Nails (\$ Extra/50 lbs)

Shank-gauge

length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2	17-18
1/2"	-	-	3.20	-	-	-	-	-	-
5/8	-	-	2.80	-	-	-	3.60	3.90	4.35
3/4	-	-	2.60	-	3.00	3.05	3.40	3.75	4.20
7/8	-	-	2.50	-	2.80	2.90	3.25	3.60	4.00
1-1-3/8	-	-	2.40	2.50	2.60	2.70	3.10	3.40	-
1-1/2-1-7/8	-	-	2.30	2.35	2.45	2.55	2.90	3.25	-
2 - 2-3/8	-	2.30	2.20	2.20	2.30	2.40	2.75	-	-
2-1/2 - 3	-	2.20	2.10	2.00	2.10	2.20	-	-	-
3-1/8 - 4	2.10	2.10	1.90	-	-	-	-	-	-
4-1/8 - 5	2.00	2.00	1.70	-	-	-	-	-	-
5-1/8 - up	1.90	1.90	-	-	-	-	-	-	-

Size extras determined from this table apply only to items 23-49.

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

	<u>TYPE/SIZE</u>	<u>TOTAL EXTRA</u>	
(50)	<u>Bright Annular Threaded Drywall Nails</u>		<u>Size Extra</u>
ASWG #	12-1/2 x 19/64" x 1-3/8"	\$4.80 (\$4.80)	
	x 1-1/2"	4.60 (4.60)	
	x 1-5/8"	4.60 (4.60)	
#	12-1/2 x 1/4" x 1"	4.80 (4.80)	
	x 1-1/4"	4.80 (4.80)	
(51)	<u>Bright Ring Shank Underlay Nails</u>		<u>Size Extra</u>
ASWG #	13 x 3/16" x 1"	\$6.20 (\$6.20)	
	x 1-1/4"	6.20 (6.20)	
	x 1-3/4"	5.75 (5.75)	
#	12-1/2 x 3/16" x 1-1/4"	4.80 (4.80)	
	x 1-3/8"	4.80 (4.80)	
#	12-1/2 x 7/32" x 1"	4.80 (4.80)	
	x 1-1/4"	4.80 (4.80)	
	x 1-1/2"	4.60 (4.60)	
#	12-1/2 x 1/4" x 1-1/4"	4.80 (4.80)	
	x 1-3/8"	4.80 (4.80)	
	x 2"	4.40 (4.40)	
#	14 x 3/16" x 3/4"	10.25 (10.25)	
	x 1"	8.95 (8.95)	
(52)	<u>E/G Annular Threaded Drywall Nails</u>		<u>Size Extra E/G Extra</u>
ASWG #	12-1/2 x 19/64" x 1-1/4"	\$7.40 (\$4.80) (\$2.60)	
	x 1-3/8"	7.40 (4.80) (2.60)	
	x 1-1/2"	7.20 (4.60) (2.60)	
	x 1-5/8"	7.20 (4.60) (2.60)	
#	13 x 19/64" x 1"	8.80 (6.20) (2.60)	
	x 1-5/8"	8.35 (5.75) (2.60)	
(53)	<u>E/G Annular Threaded Shake Nails</u>		<u>Size Extra E/G Extra</u>
ASWG #	13 x 3/16" x 1-1/2"	\$8.35 (\$5.75) (\$2.60)	
	x 1-3/4"	8.35 (5.75) (2.60)	
	x 2"	7.30 (5.10) (2.20)	

Ring, Screwed and Fluted Shank Nail Extras (\$ Extra/50 lbs.)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE		TOTAL EXTRA		
			Size Extra	Blued Extra
(54) <u>Blued Annular Threaded Drywall Nails</u>				
ASWG # 12-1/2 x 19/64" x 1-1/4"		\$6.70	(\$4.80)	(\$1.90)
	x 1-3/8"	6.70	(4.80)	(1.90)
	x 1-1/2"	6.50	(4.60)	(1.90)
	x 1-5/8"	6.50	(4.60)	(1.90)
(55) <u>Blued Annular Threaded Underlay Nails</u>				
ASWG # 14-1/2 x 3/16" x 3/4"		\$12.15	(\$10.25)	(\$1.90)
	x 1"	10.85	(8.95)	(1.90)
# 14 x 3/16" x 3/4"		12.15	(10.25)	(1.90)
	x 1"	10.85	(8.95)	(1.90)
	x 1-1/4"	10.85	(8.95)	(1.90)
# 13 x 3/16" x 1"		8.10	(6.20)	(1.90)
	x 1-3/4"	7.65	(5.75)	(1.90)
# 12-1/2 x 7/32" x 1-1/4"		6.70	(4.80)	(1.90)
	x 1-1/2"	6.50	(4.60)	(1.90)
(56) <u>C.C. Annular Threaded Drywall Nails</u>				
ASWG # 12-1/2 x 19/64" x 1-1/4"		\$5.40	(\$4.80)	(\$0.60)
	x 1-3/8"	5.40	(4.80)	(0.60)
	x 1-1/2"	5.20	(4.60)	(0.60)
	x 1-5/8"	5.20	(4.60)	(0.60)
# 13 x 19/64" x 1"		6.80	(6.20)	(0.60)
	x 1-1/4"	6.80	(6.20)	(0.60)
(57) <u>Hot Dip Galv. Annular Threaded Shake Nails</u>				
ASWG # 14 x 5/32" x 1-3/8"		\$15.15	(\$8.95)	(\$6.20)
	x 1-3/4"	14.70	(8.50)	(6.20)
# 13 x 5/32" x 2"		10.90	(5.10)	(5.80)
# 12-1/2 x 13/64" x 2-1/2"		10.05	(4.25)	(5.80)
(58) <u>Tempered Hardened Steel Ring Shank Pole Barn Nails</u>				
ASWG # 7 x 3/8" x 4"		\$8.05	(\$4.25)	(\$3.80)
	x 5"	8.90	(5.10)	(3.80)
(59) <u>Bright Drive Screw Nails (Regular Steel #1023)</u>				
ASWG # 12 x 1/4" x 1-1/2"		\$4.60	(\$4.60)	
	x 2"	4.40	(4.40)	
# 11-1/2 x 9/32" x 2-1/4"		4.40	(4.40)	
# 11 x 9/32" x 2-1/4"		4.40	(4.40)	
# 11 x 9/32" x 2-1/2"		4.25	(4.25)	
# 10 x 5/16" x 3"		4.25	(4.25)	
(60) <u>Bright Drive Screw Nails (Stiff Stock #1030)</u>				
ASWG # 11-1/2 x 9/32" x 2"		\$5.15	(\$4.40)	(\$0.75)
	x 2-1/4"	5.15	(4.40)	(0.75)
# 11 x 9/32" x 2-1/2"		5.00	(4.25)	(0.75)
(61) <u>Bright Drive Screw Nails (Stiff Stock #1040)</u>				
ASWG # 11-1/2 x 9/32" x 2"		\$5.35	(\$4.40)	(\$0.95)
	x 2-1/4"	5.35	(4.40)	(0.95)
# 11 x 9/32" x 2-1/2"		5.20	(4.25)	(0.95)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA			
(62) C.C. Drive Screw Nails (Regular Steel 6-1023)	Size Extra	C.C. Extra		
ASWG # 12 x 1/4" x 1-1/2"	\$5.20	(\$4.60)	(\$0.60)	
# 11-1/2 x 9/32" x 2"	5.00	(4.40)	(0.60)	
x 2-1/4"	5.00	(4.40)	(0.60)	
# 11 x 9/32" x 2-1/2"	4.85	(4.25)	(0.60)	
# 10 x 5/16" x 3"	4.85	(4.25)	(0.60)	
# 9 x 5/16" x 3-1/2"	4.85	(4.25)	(0.60)	
(63) Tempered Hardened Steel Drive Screw Nails	Size Extra	T.H. Extra		
ASWG # 11-1/2 x 9/32" x 2-1/4"	\$8.20	(\$4.40)	(\$3.80)	
# 11 x 9/32" x 2-1/2"	8.05	(4.25)	(3.80)	
(64) Tempered Hard Steel Drive Screw Flooring Nails	Size Extra	T.H. Extra		
6d # 11-1/2 x 13/64" x 2"	\$8.20	(\$4.40)	(\$3.80)	
7d # 11-1/2 x 13/64" x 2-1/4"	8.20	(4.40)	(3.80)	
8d # 11-1/2 x 13/64" x 2-1/2"	8.05	(4.25)	(3.80)	
(65) Bright Annular Threaded Truss Nails	Size Extra			
ASWG # 11 x 9/32" x 1-1/2"	\$4.50	(\$4.50)		
(66) Tempered Hardened Steel Ring Shank Panel Board Nails	Size Extra	T.H. Extra		
ASWG # 16-1/2 x 1"	\$13.60	(\$9.80)	(\$3.80)	
x 1-1/4"	13.60	(9.80)	(3.80)	
x 1-5/8"	12.95	(9.15)	(3.80)	
(67) Tempered Hardened Steel Ring Shank E/G Color Painted Panel Board Nails	Size Extra	T.H. Extra	E/G Extra	Paint Extra
ASWG # 16-1/2 x 1"	\$20.50	(\$9.80)	(\$3.80)	(\$2.60)
x 1-1/4"	20.50	(9.80)	(3.80)	(2.60)
x 1-5/8"	19.85	(9.15)	(3.80)	(2.60)
(68) Tempered Hardened Steel E/G Screw Siding Nails	Size Extra	T.H. Extra	E/G Extra	
7d ASWG # 11-1/2 x 7/32" x 2-1/4"	\$10.40	(\$4.40)	(\$3.80)	(\$2.20)
8d # 11-1/2 x 7/32" x 2-1/2"	10.25	(4.25)	(3.80)	(2.20)
(69) Tempered Hardened Steel Fluted Masonry Nails	Size Extra	T.H. Extra		
ASWG # 9 x 5/16" x 3/4"	\$9.75	(\$5.95)	(\$3.80)	
x 7/8"	9.35	(5.55)	(3.80)	
x 1"	8.90	(5.10)	(3.80)	
x 1-1/4"	8.90	(5.10)	(3.80)	
x 1-1/2"	8.70	(4.90)	(3.80)	
x 2"	8.50	(4.70)	(3.80)	
x 2-1/2"	8.05	(4.25)	(3.80)	
(70) Tempered Hardened Steel H/D Galv. Screw Siding Nails	Size Extra	T.H. Extra	H/D Extra	
7d ASWG # 11-1/2 x 7/32" x 2-1/4"	\$14.00	(\$4.40)	(\$3.80)	(\$5.80)
8d # 11-1/2 x 7/32" x 2-1/2"	13.85	(4.25)	(3.80)	(5.80)

Special Order Size Extras for Ring, Screwed and Fluted Shank Specialty Nails
(\$ Extra/50 lbs.)

Shank- gauge length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2
3/4"	-	-	5.95	-	-	-	10.25	-
7/8	-	-	5.55	-	-	7.05	9.80	10.65
1-1-3/8	-	-	5.10	4.70	4.80	6.20	8.95	9.80
1-1/2-1-7/8	-	-	4.90	4.50	4.60	5.75	8.50	9.15
2-2-3/8	-	-	4.70	4.40	4.40	5.10	7.70	-
2-1/2-3	-	4.25	4.25	4.25	4.25	4.70	-	-
3-1/8-4	5.35	4.25	4.25	-	-	-	-	-
4-1/2-Up	5.75	5.10	-	-	-	-	-	-

Size extras determined from this table apply only to items 50-79.

REV. MAY, 1978

REV. MAY, 1978

ELECTRO GALVANIZED SHEETS - EGC-10g/M² 1.0m/m x 48" x C

WIDTH/THICKNESS EXTRAS
(\$/MT)

Category AISI 27

Tariff Schedule Number (s) 608.9430 - 9%
608.9530 - 0.1¢ per lb. + 8%

Base Price per Metric Ton \$343

Charges to CIF Ocean Freight Handling Interest

West Coast	\$24	\$ 3	\$ 8
Gulf Coast	23	5	9
Atlantic Coast	27	4	10
Great Lakes	36	4	12

Insurance 1% of base price + extras + ocean freight

Extras

1. Thickness/Width
2. Length
3. Coating
4. Chemical Treatment
5. Quality
6. Packing
7. Others

Width/ Thickness (Inches)	Over 2 Inches up to 4 Inches	Over 4 Inches up to 6 Inches	Over 6 Inches up to 12 Inches
From 0.251 thru 0.3119	N.A.	20	18
From 0.230 thru 0.2509	20	20	18
From 0.180 thru 0.2299	24	20	18
From 0.121 thru 0.1799	24	20	18
From 0.081 thru 0.1209	24	20	18
From 0.071 thru 0.0809	33	31	26
From 0.061 thru 0.0709	33	31	26
From 0.0568 thru 0.0609	38	38	29
From 0.0509 thru 0.0567	38	38	29

[8320-01]

VETERANS ADMINISTRATION**CENTRAL OFFICE EDUCATION AND TRAINING
REVIEW PANEL****Rescheduled Meeting**

The meeting of the Central Office Education and Training Review Panel scheduled for May 24, 1978 (43 FR 19096, May 3, 1978) has been rescheduled for June 23, 1978. The meeting will convene in Room A-53 of the Veterans Administration Central Office Building, 810 Vermont Avenue NW., Washington, D.C. at 10 a.m.

Dated: May 17, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 78-14302 Filed 5-22-78; 8:45 am]

[1505-01]

**INTERSTATE COMMERCE
COMMISSION**

[Notice No. 65]

**MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS****Correction**

In FR Doc. 78-12609 appearing at page 19962 of the issue of Tuesday, May 9, 1978, on page 11963 in the third column, the last application "No. MC 11343" should read "No. MC 113434" and on page 11964 in the first column, the third application "No. MC 11654" should read "No. MC 116254".

[7035-01]

[Notice No. 665]

ASSIGNMENT OF HEARINGS

MAY 18, 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 140768 (Sub-No. 13), American Trans-Freight, Inc., now assigned June 1, 1978 at Washington, DC, is postponed indefinitely.

No. MC 143450 (Sub-No. 1), Ambassador Coach Lines, Inc., now assigned June 5,

1978, at Parsons, KS is postponed to June 12, 1978 (1 week), at Parsons, KS in a hearing room to be later designated.

No. MC 28536 (Sub-No. 16), Fox & Ginn, Inc. and MC 108473 (Sub-No. 39), St. Johnsbury Trucking Co., Inc. are now assigned for hearing on the following dates and at the following locations: June 5, 1978 (2 weeks) at the Ramada Inn, 225 McClellan Hwy, East Boston, MA; July 17, 1978 (1 week) at the Americana, 660 Albany Shaker Road, Albany, NY; July 24, 1978 (1 week) at Boston, MA, at a location to be later designated; August 21, 1978 (1 week) at the Swamp Fox Inn, South Main Street, Presque Isle, ME; and September 18, 1978 (2 weeks) at Essex House, 160 Central Park South, New York, NY. (Hearing previously assigned for MC 108473 (Sub-No. 39), St. Johnsbury Trucking Co., Inc., on July 10, 1978 at Burlington, VT, is canceled; and MC 108473 (Sub-No. 39) is now consolidated for hearing with MC 28536 (Sub-No. 16) as shown in the above hearing schedule.)

MC 127738 (Sub-No. 7), Yellowstone Park Lines, Inc., now assigned June 14, 1978, at Billings, MT is canceled and transferred to Modified Procedure.

MC 136371 (Sub-No. 24), Concord Trucking Co., Inc. is assigned for hearing June 5, 1978 at New York, NY, and will be held at room E-2220 Federal Building, 26 Federal Plaza.

MC 118377 (Sub-No. 7), Richard R. Johncox is assigned for hearing June 6, 1978 at New York, NY, and will be held at room E-2220 Federal Building, 26 Federal Plaza. FF 416 (Sub-No. 1), Imperial Carriers, Inc., is assigned for hearing June 7, 1978 at New York, NY and will be held at room E-2220 Federal Building, 26 Federal Plaza.

MC 136285 (Sub-No. 29), Southern Intermodal Logistics, Inc. now assigned June 6, 1978 at Atlanta, GA is cancelled.

No. MC 115841 (Sub-No. 553), Colonial Refrigerated Transportation, now assigned June 7, 1978, at Atlanta, GA will be held in room 305, 1252 West Peachtree Street NW.

No. MC 103926 (Sub-No. 8M1), W. T. Mayfield Sons Trucking Co., now assigned June 6, 1978, at Atlanta, GA will be held in room 305, 1252 West Peachtree NW.

No. MC 123407 (Sub-No. 429), Sawyer Transport, Inc. and MC 124947 (Sub-No. 78), Machinery Transports, Inc., now assigned June 12, 1978, at Atlanta, GA will be held in room 305, 1252 West Peachtree Street NW.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14319 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 79]

**MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS**

MAY 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, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2095 (Sub-No. 14TA), filed April 27, 1978. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, KS 66534. Applicant's representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler Street, Suite 1101, Topeka, KS 66612. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Continuous extruder systems, from Sabetha, KS, to points and places in the 48 contiguous States, including all points of embarkation and ports of entry, and steamship containers, from all points of embarkation in the 48 contiguous States to Sabetha, KS, for 180 days. Applicant states it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Wenger Manufacturing, 714 Main Street, Sabetha, KS 66534. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 Southeast, Quincy, Topeka, KS 66683.

No. MC 5227 (Sub-No. 37TA), filed April 25, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene*, from North Brunswick and Finnerne, NJ, and points in their commercial zones, to the facilities of Mid-America Industries, Inc., and Solar, Inc., at or near Mead, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John H. McLaughlin President, Solar, Inc., Mid-America Industries, Inc., Mead, NE, 68041. Send protests to: Max H. Johnston District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 52704 (Sub-No. 167TA), filed April 26, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Opelika Highway, Lafayette, AL 36862. Applicant's representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor*, from Warner Robins, GA, to points in Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski and Roanoke Counties, VA, and (2) *Materials, equipment and supplies* used in the manufacture and distribution of glass containers and closures therefor, from points in Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski and Roanoke Counties, VA, to Warner Robins, GA, for 180 days. Supporting shipper(s): Midland Glass Co., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 52704 (Sub-No. 168TA), filed April 27, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Opelika Highway, Lafayette, AL 36862. Applicant's representative: Archie Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated vending machines and parts therefor*, from the facilities of Cavalier Corp. at Chattanooga, TN, to points in FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cavalier Corp., 1100 E. 11th Street, Chattanooga, TN 37403. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 107403 (Sub-No. 1076TA), filed April 24, 1978. Applicant: MAT-LACK, INC., 10 W. Baltimore Ave., 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: *Plastic granules*, in bulk, in tank vehicles), from Allyn's Point, CT, to Cumberland and Hope Valley, RI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Dow Chemical U.S.A., Easter Division, 14955 Sprague Road, P.O. Box 36000, Strongsville, OH 44136. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 107403 (Sub-No. 1077TA), filed April 24, 1978. Applicant: MAT-LACK, INC., 10 W. 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: *Zinc oxide*, (in bulk, in tank vehicles), from Joseph-town, PA, to La Platte, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): St. Jose Zinc Co., 2 Oliver Plaza, Pittsburgh, PA 15222. Send protests to: T. M. Esposito, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 107403 (Sub-No. 1078TA), filed April 24, 1978. Applicant: MAT-LACK, INC., 10 W. 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: *Ground bentonite clay*, (in bulk, in tank vehicles), from Caspar, WY, to St. Bernard, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Procter & Gamble Manufacturing Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 107515 (Sub-No. 1136TA), filed April 23, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE, Forest Park, GA 30050. Applicant's representative: Alan E. Serby & Richard M. Tettebaum, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, NE, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical diagnostic chemicals and kits* (except in

bulk), in vehicles equipped with mechanical refrigeration, from facilities of Coulter Diagnostics, Division of Coulter Electronics, Hialeah, FL, to points in Minneapolis, MN, Detroit, MI; Elk Grove Village, IL; Kansas City and St. Louis, MO, and Cincinnati, OH, and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Coulter Diagnostics, Division of Coulter Electronics, 780 West 83rd Street, Hialeah, FL 33014. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 109633 (Sub-No. 33TA), filed April 27, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 13th Place, Chicago, IL 60627. Applicant's representative: William H. Towle, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, from the facilities of the Maytag Co., at Newton, IA, to all points in AR, CT, IN, KY, MI, MO, NJ, NY, OH, PA, TN, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Maytag Co., Lee O. Hays, Traffic Manager, Newton, IA 50208. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 110988 (Sub-No. 365TA), filed April 13, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, WI 54911. Applicant's representative: John R. Patterson, 2480 East Commercial Boulevard, Ft. Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk, and food conveyor lubricants), from Sharon, WI, to OH, IN and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Merit Chemical, Inc., P.O. Box N. Sharon, WI 54585 (Howard C. Giles). 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 53203.

No. MC 113059 (Sub-No. 7TA), filed April 27, 1978. Applicant: KELLER TRANSPORT, INC. Route 1, Katy Lane, Billings, MT 59101. Applicant's representative: F. E. Keller (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts and road oils*, (in bulk, in tank vehicles), from Billings and Laurel, MT, to points in ID for 180 days. Supporting shipper(s): (1) Elmer N. Drange, Supervisor, Transportation and Distribution, Farmers Union Central Exchange, Inc., Box 126, Laurel, MT 59044. (2) Shirl P. Shinn, President, Northern Asphalt Supply, Inc., 7322 N. Division, Suite 209, Spokane, WA 99208. (3) Dewey M. Ray, Vice President, Parco, a Division of Max D. Nielsen & Sons Co., P.O. Box 20826, Billings, MT 59103. (4) John B. Stone, President, Idaho Asphalt Supply, Inc., P.O. Box 561, Idaho Falls, ID 83401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 113434 (Sub-No. 94TA), filed March 25, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelma Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Glass containers and container accessories*, (1) Between the facilities of Brockway Glass Co., Inc., in Jefferson, Clearfield and Washington Counties, PA, on the one hand, and points in IL, IN, AND MI on the other; and (2) between the facilities of Brockway Glass Co., Inc., in Muskingum County, OH, on the one hand, and points in IL IN and MI, on the other, and (B) *Materials, equipment and supplies* used in the manufacture and distribution of glass containers and accessories, from IL, IN and MI, to Jefferson, Clearfield and Washington Counties, PA, and Muskingum County, OH, for 180 days. Supporting shipper(s): Brockway Glass Co., Inc., McCullough Avenue, Brockway, PA 15824. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225 Federal Building, Lansing, MI 48933.

No. MC 113784 (Sub-No. 65TA), filed April 26, 1978. Applicant: LAIDLAW TRANSPORT LTD., 65 Guise Street, Hamilton, Ontario. Applicant's representative: Douglas R. Gowland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, (in bulk, in tank vehicles), between ports of entry on the Canadian-United States boundary located on the Niagara River to

Butler, PA, restricted to goods moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Guelph Do Lime Ltd., P.O. Box 460, Hamilton, Ontario. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 113908 (Sub-No. 437TA), filed April 26, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 E. Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk), from Chicago, IL, and the commercial zone thereof, to points in AL and LA, for 180 days. Supporting shipper(s): Witco Chemical Corp., Chicago, IL. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 438TA), filed April 25, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 E. Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits, distilled spirits and alcoholic liquors*, (in bulk), from Muscatine, IA, to Bardstown, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Barton Brands, Ltd., Bardstown, KY 40004. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 439TA), filed April 26, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, (in bulk), from Bardstown, Ky, and the commercial zone thereof, to Gretna, LA, and Philadelphia, PA, (and their respective commercial zones), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Barton Brands Ltd., Bardstown, KY. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911

Walnut Street, Kansas City, MO 64106.

No. MC 114829 (Sub-No. 15TA), filed April 27, 1978. Applicant: GENERAL CARTAGE CO., INC., West U.S. Route 30, Rock Falls, IL 61071. Applicant's representative: Paul R. Bergant, 10 S. La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, door accessories, door parts, and automatic door operators*, from Sterling, IL, to points in MI, OH and KY, and (2) *Materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in MI, OH and KY, to Sterling, IL, restricted to service to be performed, under a continuing contract, or contracts, with Frantz Manufacturing Co., for 180 days. Supporting shipper(s): Frantz Manufacturing Co., T. M. Conley, Traffic Manager, 301 W. Third Street, Sterling, IL 61081. Send protests to: Patricia A. Roscoe, Transportation Consumer, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 115841 (Sub-No. 633TA), filed April 26, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 100, Building 100, Knoxville, TN 37919. Applicant's representative: Chester G. Groebel, Colonial Refrigerated Transportation, Inc., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* from the facilities of Hudson Foods, Inc., at or near Brundidge and Troy, AL, to points in the United States and (2) *Materials, equipment and supplies* used in the manufacturing and distribution of commodities in (1) above, from points in the United States to the facilities of Hudson Foods, Inc., at or near Brundidge and Troy, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hudson Foods, Inc., P.O. Box 187, Brundidge, AL 36019. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 117119 (Sub-No. 685TA), filed April 26, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*,

and; (2) *plastic materials* (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Marcus Hook, PA, to points in CA and TX, and; (2) from Metuchen, NJ, to points in CA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allied Chemical Corp., P.O. Box 1087-R, Morristown, NJ 07960. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 118159 (Sub-No. 260TA), filed May 1, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in and sold by wholesale, retail and chain store grocery businesses, (except commodities in bulk, fresh fruits, vegetables and frozen foods), from the facilities of The Clorox Co. located in Houston, TX, to points in OK, for 180 days.* Supporting shipper(s): The Clorox Co., 1221 Broadway, Oakland, CA 94612. 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 118838 (Sub-No. 24TA), filed May 1, 1978. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Box 124B, Detroit Lakes, MN 56501. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products and wood products, from the facilities of Potlatch Corp. located at or near Coeur d'Alene, St. Maries, Post Falls, Kamiah, Santa, Potlatch, Lewiston, Jaye and Spalding, ID, to points in MN, WI, IA, IL, MI, IN and OH, restricted to traffic originating at the named origins, for 180 days.* Supporting shipper(s): Potlatch Corp., Box 1016, Lewiston, ID 83501. 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 119399 (Sub-No. 77TA), filed May 3, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, Oklahoma City,

OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, from the facilities of Oconomowoc Canning Co., in Columbia, Dane, Dodge, and Lincoln Counties, WI, to points in AR, KS, LA, MO, NM, OK and TX, for 180 days.* Supporting shipper(s): Oconomowoc Canning Co., P.O. Box 248, Oconomowoc, WI 53066. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119670 (Sub-No. 32TA), filed April 14, 1978. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps, covers, disks or tops therefor, from Gas City, IN, to Cincinnati, OH, and Louisville, KY, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc., Edwin P. Young Divisional Transportation, P.O. Box 1035, Toledo, OH 43666. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 124511 (Sub-No. 46TA), filed April 25, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223 East Highway 54, Mexico, MO 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, from the facilities of Jones & Laughlin Steel Corp., at or near Hennepin, IL, to Kansas City, MO, and Kansas City, KS, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Hennepin IL 61327. Send protests to: Vernon V. Coble District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 125254 (Sub-No. 40TA), filed April 25, 1978. Applicant: MORGAN TRUCKING CO., 1201 East 5th Street, P.O. Box 714, Muscatine, IA, 52761. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles and containers, from (1) Louisville, KY, to Iowa City, IA, and (2) Vanda-*

lia, IL, to Oklahoma City, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Imco Container Co., Division of Ethyl Development Corp., 75th and Cleveland, Kansas City, MO 64132. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 126358 (Sub-No. 17TA), filed March 30, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: BENNETT TRUCKING CO., P.O. Box 526, Hawkinsville, GA 31036. Applicant's representative: Paul M. Daniell, Suite 1200 Atlanta Gas Light Tower, 235 Peachtree Street, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Veneer, from Hawkinsville, GA, to Hosford, FL; Birmingham, AL; Belton, TX; Crystal Springs, MS; Winnsboro, SC; Hickory, Lenoir, Fayetteville, and Statesville, NC; South Boston, VA; Portland, TN; Louisville, KY; Batesville, New Albany, and Jasper, ID; Grand Rapids and Bay City, MI; and Stanley, WI, and (B) lumber, (except plywood and veneer), from Hawkinsville, GA, to points in FL, AL, SC, NC, VA, and TN, for 180 days.* Supporting shipper(s): (1) Victor Veneer Co., P.O. Box 187, Hawkinsville, GA 31035. (2) Newman Brothers Lumber Co., Route No. 2, Hawkinsville, GA 31036. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202. The purpose of this republication is to correct the territorial description.

No. MC 134755 (Sub-No. 142TA), filed April 11, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, 1959 E. Turner Street, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Inc., at or near Elizabeth, NJ; Hackettstown, NJ; Elizabethtown, PA, to points in MO, restricted to shipments originating at the named origins and destined to points in the destination States, for 180 days.* Supporting shipper(s): M&M/Mars, Inc., Hackettstown, NJ 07840. Send protests to: John Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 138328 (Sub-No. 62TA), filed March 15, 1978, and published in the FEDERAL REGISTER issue of April 12, 1978, and republished as corrected this issue. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Applicant's representative: Donna Ehrlich (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, knocked down or in sections, and materials, equipment, and supplies used in the installation and sale of metal buildings, steel studs, tracks and channels; metal roof trim and guttering; and lathing*, from the facilities of the Ceco Corp., at Broadview, IL to points in CO, IN, IA, KS, MS, MN, MO, MT, NE, ND, OH, PA, SD, WI, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): D. R. D'Argento, traffic manager, the Ceco Corp., 5601 West 26th Street, Chicago, IL 60650. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, suite 620, 110 North 14th Street, Omaha, NE 68102. The purpose of this republication is to add a commodity description, that was previously omitted.

No. MC 139039 (Sub-No. 1TA), filed April 26, 1978. Applicant: A. MARIAN-NI'S, SONS, INC., 3301 Tulip Street, Philadelphia, PA 19134. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals in containers and empty containers on return*, between the facilities of Crown Cork & Seal Co., Inc., in Philadelphia, PA, on the one hand, and, on the other, Sparrows Point, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, PA 19136. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 139269 (Sub-No. 13TA), filed March 22, 1978. Applicant: C. P. CRASKA, INC., 10422 Cosby Manor Road, Utica, NY 13502. Applicant's representative: Murray J. S. Kirshtein, Esq., 118 Bleecker Street, Utica, NY 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods in vehicles equipped with mechanical refrigeration*, from the facilities of General Foods Corp. at Avon, NY to points in MA and CT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days

of operating authority. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, NY 10625. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

No. MC 140024 (Sub-No. 108TA), filed May 3, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except in bulk)*, in vehicles equipped with mechanical refrigeration, from Seabrook, NJ, to points in CA, CO, IL, IN, IA, KS, KY, MI, IO, NV, OH, and PA, for 180 days. No tack—no interline. Supporting shipper(s): Seabrook Farms Division—Seabrook Foods, Inc., Parsonage Road, Seabrook, NJ 08302. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 140024 (Sub-No. 109TA), filed May 3, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except in bulk)*, from Jersey City, NJ, to points in OH and MI, for 180 days. No tack—no interline. Supporting shipper(s): C. F. Mueller Co., 180 Baldwin Avenue, Jersey City, NJ. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO. 80202.

No. MC 141054 (Sub-No. 5TA), filed May 2, 1978. Applicant: B & B PACKING TRANSPORT, LTD., 2001 Spring Road, Suite 225, Oak Brook, IL 60521. Applicant's representative: J. Michael May, Suite 508, 1447 Peachtree Street, SE., Atlanta, GA. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Council Bluffs, IA, to points in the United States (except AL and HT), under a continuing contract, or contracts, with Great Plains Beef Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Plains Beef Co., Robert Pierce, Traffic Manager, 2700 23d Avenue, Council Bluffs, IA. Send protests to: Patricia A. Roscoe, Transportation Consumer Specialist, Interstate Commerce Commission, Everett McKinley

Dirksen Building, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

No. MC 141346 (Sub-No. 2TA), filed April 24, 1978. Applicant: DONAVON CREIGHTON AND KERON L. CAIN, d.b.a. K. L. CAIN, TRUCKING CONTRACTOR, R.R. No. 2, Potomac, IL 61865. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic motorcycle windshields, fairings, and accessories*, from Rantoul, IL, to San Luis Obispo, CA, for the account of Vetter Fairing Co., Rantoul, IL, under a continuing contract, or contracts, with Vetter Fairing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. R. Bryan, General Manager, Vetter Fairing Co., Rantoul, IL 61866. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capital Avenue, Springfield, IL 62701.

No. MC 141385 (Sub-No. 2TA), filed May 3, 1978. Applicant: LARRY A. PENNER, d.b.a. PENNER'S FEED & SUPPLY, Inman, KS 67546. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highway Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed products (except in bulk)*, from Clay Center, KS, to AL, CA, FL, GA, KY, MD, MI, MN, NJ, PA, TX, UT, and WA, under a continuing contract, or contracts, with Key Milling, for 180 days. Supporting shipper: Key Milling, P.O. Box 116, Clay Center, KS 67432. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 142187 (Sub-No. 3TA), filed May 5, 1978. Applicant: W. S. ZEIGLER CRAWLER, CO., INC., Route 1, Box 24, Hartsville, SC 29550. Applicant's representative: Charles R. Zeigler, Route 1, Box 24, Hartsville, SC 29550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Mont Clare, SC, to points and places in NC, under a continuing contract, or contracts, with Sonoco Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sonoco Products Co., Cox Lumber Plant, North Second Street, Hartsville, SC 29550. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 142272 (Sub-No. 2TA), filed May 5, 1978. Applicant: PICKENS TRUCKING COMPANY, INC., Route 1, Box 86, Livingston, AL 35476. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th Street and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granular fertilizer and potash*, from Florence, AL, to points in TN and MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: IMC, P.O. Box 158, Florence, AL 35630. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 142715 (Sub-No. 14TA), filed April 20, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank Bldg., South St. Paul, MN 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux Center and Sioux City, IA, and their commercial zones to points in the states of CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA and DC, for 180 days. Supporting shipper(s): Sioux-Preme Packing Co., Highway 75 South, Sioux Center, IA 51250. Send Protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 142901 (Sub-No. 3TA), filed April 27, 1978. Applicant: TMI TRANSPORT CORP., 050 Third Avenue West, Dickinson, ND 58601. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged insulation and materials and supplies* used in the installation of bagged insulation, from Fargo, ND, to points in IA, MN, MT, NE, SD, WI and WY; and (2) *Materials and supplies* used in the manufacture and distribution of bagged insulation (except in bulk), from points in the United States (except AK and HI), to Fargo, ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days

of operating authority. Supporting shipper(s): Thermo-Pak Mfg., 5900 Northwest 7th Avenue, P.O. Box 1496, 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 143676 (Sub-No. 3TA), filed May 3, 1978. Applicant: DAS, INC., 2153 Partridge Place, Cedar Point Suffolk, VA 23433. Applicant's representative: Blair P. Wakefield, suite 1001, First & Merchants Bank Bldg., Norfolk, VA 23510. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood residuals and sawdust*, (in bulk), from Seaboard, NC, to the facility of Union Camp Corp. at or near Franklin, VA under a continuing contract, or contracts, with Union Camp Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William F. Worrell, Manager, Transportation Operations, Union Camp Corp., 1600 Valley Road, Wayne, NJ 07474. Send Protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room, 10-502, Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 144463 (Sub-No. 2TA), filed April 25, 1978. Applicant: PIERSON TRUCKING CO., 7355 SE., Johnson Creek Boulevard, P.O. Box 22141, Milwaukie, OR 97222. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in OR and WA, to points in and south of San Luis Obispo, Kern and San Bernadino Counties, CA, under a continuing contract, or contracts, with Western International Forest Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western International Forest Products, Inc., 4560 Southwest 107th, Beaverton, OR 97005. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 144665 (Sub-No. 1TA), filed April 24, 1978. Applicant: HENRY FAIRCLOTH TRANSFER, INC., 521 N. John Street, P.O. Box 1292, Goldsboro, NC 28530. Applicant's representative: Henry Faircloth, 521 N. John Street, Goldsboro, NC 27530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and seeds* (except in bulk),

between points in NC, SC and VA, under a continuing contract, or contracts, with Swift Agricultural Chemicals Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Agricultural Chemicals Corp., P.O. Box 1038, Goldsboro, NC 27539. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 144666 (Sub-No. 1TA), filed April 17, 1978. Applicant: NEWPORT OIL CORP., 128 Long Wharf, Newport, RI 02840. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and diesel fuel* (in bulk), from East Providence and Tiverton, RI, to points in Newport County, RI, traversing Massachusetts highways for operating convenience only, under a continuing contract, or contracts, with Concord Oil of Newport, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Concord Oil of Newport, Inc., 147 Lowell Road, Concord, MA 01742. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

No. MC 144671TA, filed April 18, 1978. Applicant: LOYD PICKETT, P.O. Box 147, Sweet Home, OR 97386. Applicant's representative: Loyd Pickett, 26909 Old Holley Road, Sweet Home, OR 97386. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and veneer*, from Yoncalla, OR, to Tacoma, WA, under a continuing contract, or contracts, with Trend Veneer Co., for 180 days. Supporting shipper(s): Trend Veneer Co., Yoncalla, OR 97499. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland OR.

No. MC 144681 (Sub-No. 3TA), filed April 17, 1978. Applicant: WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul MN 55114. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, materials and supplies* used in the conduct of such business; (except commodities in bulk); and the return of damaged or rejected ship-

ments, under a continuing contract, or contracts, with Montgomery Ward & Co., Inc., between St. Paul, MN., on the one hand, and, on the other, points in Barron, Dunn, Pierce, Polk and St. Croix Counties, WI, for 180 days. Supporting shipper(s): Montgomery Ward & Co., Inc., 140 South State Street, P.O. Box 7337, Chicago, IL 60680. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis MN 55401.

No. MC 144718TA, filed May 5, 1978. Applicant: TRIPLE E TRUCKING, LTD., 29170 Fraser Hwy, Box 279, Aldergrove, B.C. Applicant's representative: Lyle England, 3859-240 Street, R. R. No. 3, Langley, B.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Ore-bearing rock* from the ports of entry on the International Boundary between the United States and Canada, at or near Sumas and Lynden, WA, to Tacoma, WA, via Interstate 5, under a continuing contract, or contracts, with R. N. Claim, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. N. Claim, Box 160, Harrison, B.C., Canada. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144719TA, filed April 24, 1978. Applicant: WARNER & SONS TRUCKING CO., 3224 Sand Creek Highway, R.F.D. No. 1, Adrian, MI 49221. Applicant's representative: David E. Jerome, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and materials* used in the manufacture of air conditioners and refrigerated equipment, from Grand Rapids, MI, to the plantsite of Belding Products Co. in Belding, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Belding Products Co., Belding, MI 48809. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144722TA, filed May 3, 1978. Applicant: JAMES C. McDOUGAL, d.b.a. M&H REFRIGERATED TRUCK SERVICE, 4902 Roosevelt Avenue, San Antonio, TX 78214. Applicant's representative: James C. McDougal (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of

Pearl Brewing Co., at San Antonio, TX, to points in CA, on and south of Interstate Hwy 10, including the Los Angeles commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearl Brewing Co., P.O. Box 1661, San Antonio, TX 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, room B-400, Federal Building, 727 East Durango, San Antonio, TX 78206.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14331 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77667, filed May 11, 1978, CLAVIN'S EXPRESS, INC., 3 Florence Street, Riverside, RI 02895, seeks temporary authority to transfer the operating rights of Pelletier Trucking Co., Inc., 644 Armistice Boulevard, Pawtucket, RI 02861, under section 210a(b). The transfer to Clavin's Express, Inc., of the operating rights of Pelletier Trucking Co., Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14326 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 48]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77668, filed May 12, 1978, B MOTOR FREIGHT, INC., 451 Old Airport Road, New Castle, DE 19720, seeks temporary authority to transfer the operating rights of Marcus Trucking Co., Inc., under section 210a(b). The transfer to B Motor Freight, Inc., of the operating rights of Marcus Trucking Co., Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14327 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 49]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77669, filed May 12, 1978, PAT AND JAKE'S, INC., 5838 Monroe Street, Sylvania, OH 43560, seeks temporary authority to transfer the operating rights of Carl & Gene Towing Service, Inc., 1418 Elm Street, Toledo, OH 43608, under section 210a(b). The transfer to Pat and Jake's, Inc., of the operating rights of Carl & Gene Towing Service, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14328 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 50]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Applications filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77670. By application filed May 12, 1978, JAMES L. SMITH and JERRY ATTKISSON, a partnership, d.b.a. SMITH & ATTKISSON TRUCKING CO., Route 2, Columbia, TN 38401, seeks temporary authority to transfer the operating rights of Kathleen Robins, and individual, d.b.a. Robins Transfer Co., Lawrenceburg, TN 38464, under section 210a(b). The transfer to James L. Smith and Jerry Attkisson, a partnership, d.b.a. Smith & Attkisson Trucking Co., of the operating rights of Kathleen Robins, and individual, d.b.a. Robins Transfer Co., is presently pending.

H. G. HOMME, Jr.,
Acting Secretary.

[7035-01]

RAILROAD CONTRACT RATES

Proposed Change of Policy

AGENCY: Interstate Commerce Commission.

ACTION: Issuance of Policy Statement.

SUMMARY: The Commission proposes to issue a general policy statement permitting the filing in tariff form of railroad contract rates. The

Commission believes that there is nothing inherently unlawful in railroads and shippers voluntarily entering into long-term commitments for the transportation of a specified volume of freight at agreed rates. The acceptance for filing of tariffs containing contract rates by railroads represents a change in policy. Accordingly, interested persons will be permitted to file comments before a final policy statement is adopted and issued.

COMMENTS: All interested persons are invited to comment. Comments should be filed with the Section of Rates, Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

DATES: Comments must be received on or before June 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The Commission's prior position on the lawfulness of contract rates was expressed in two cases decided in 1961. *Contract Rates, Rugs and Carpeting from Amsterdam, N.Y.*, 313 ICC 247 (1961), aff'd sub nom., *N.Y. Central R. Co. v. United States*, 194 F. Supp. 947 (S.D.N.Y., 1961), aff'd per curiam, 368 U.S. 349 (1962); *Guaranteed Rates from Sault St. Marie, Ontario, Canada, to Chicago*, 315 ICC 311 (1961). The prevailing view in these cases was that the contract rates in question would eliminate intermodal carrier competition during the contract period, and that such a rate would therefore be a destructive competitive practice contrary to the National Transportation Policy. Dictum in the *Guaranteed Rates* case stated that "contract rates and agreed charges are deemed unlawful per se." 315 ICC at 323.

On the other hand, the Commission has previously approved arrangements where railroads offer reduced rates conditioned on shipments of a requisite annual volume. See, *Coal from Ky., Va., and W. Va., to Virginia*, 308 ICC 99 (1959) (annual volume rates to meet competition from a potential mine mouth generator); *Coal from Ill., Ind., and Ky., to Illinois and Indiana*, 308 ICC 673 (1959) (reduced rates on multiple car shipments to meet barge competition); *Coal to New York Harbor Area*, 311 ICC 355 (1960) (reduced rates to meet competition from oil and gas); *Huron Portland Co. v. B. & O. R. Co.*, 332 ICC 655 (1968), affirmed sub nom., *Natural Gypsum Co. v. United States*, 353 F. Supp. 941 (W.D.N.Y., 1973) (rates to meet competition from possible construction of coal slurry pipeline).

The Commission believes that contract rates are not unlawful per se and that each rate proposal with exclusive dealing aspects (whether described as "contract" rates, "annual volume" rates, or otherwise should be evaluated on its own merits.

The considerations that resulted in the disapproval of the rail proposals at issue in *Contract Rates* and *Guaranteed Rates*, supra, may be absent or significantly altered under certain circumstances, or outweighed by other considerations. The policy of the Commission in the future will be to consider any rate proposal which commits (or tends to commit) traffic exclusively to a particular carrier for a time period on an individual case-by-case basis. This policy does not prejudice the lawfulness or change any evidentiary burden regarding a proposed contract rate.

The factors to be considered by the Commission in determining the lawfulness of a contract rate by a rail common carrier will include, but not be limited to, the following: (1) duration of the proposed agreement or commitment (explicit or implicit) underlying the contract rate; (2) whether the cars involved in the rail movement subject to the proposed rate are those of the railroad; (3) competitive circumstances surrounding the traffic to be moved under the proposed rate; (4) effect on car utilization; (5) special considerations of the shipper and the railroads, e.g., the need for utilities to be assured of a steady and ample supply of coal at a given rate; and (6) whether the requirements under the rate proposal involve percentages of the traffic to be moved or a fixed annual volume amount.

Comments by any interested party regarding the aforementioned factors, the appropriate procedures for filing a proposed contract rate, and the propriety of restricting contract rates by a rail common carrier to a specific commodity and volume requirement are requested by the Commission.

Dated: May 11, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14339 Filed 5-22-78; 8:45 am]

[7035-01]

[Docket No. AB-52 (Sub-No. 7)]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Abandonment Between Cushing and Shawnee in Payne, Lincoln and Pottawatomie Counties, OK., Notice of 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

a decision entered on September 21, 1977, and the decision of the Commission, Division 1, acting as an Appellate Division, served April 26, 1978, affirmed, the decision of the Administrative Law Judge, which is administratively final, 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 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment of operation by the Atchison, Topeka and Santa Fe Railway Co. of that portion of its branch line of railroad extending from railroad milepost 84+4,500' near Cushing to railroad milepost 123+2,000' near Shawnee, OK, a distance of 38.5 miles, in Payne, Lincoln and Pottawatomie Counties, OK, including stations at Kendrick, Davenport and Meeker, OK. A certificate of abandonment will be issued to the Atchison, Topeka and Santa Fe Railway Co. based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, 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, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the

instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14323 Filed 5-22-78; 8:45 am]

[7035-01]

[Docket No. AB-12 (Sub-No. 54)]

SOUTHERN PACIFIC TRANSPORTATION CO.

**Abandonment Between Springfield and
Brownsville in Lane and Linn Counties,
Oregon; Notice of 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 a decision entered on April 6, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Lines—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit abandonment by the Southern Pacific Transportation Co. of the portion of its line of railroad from milepost 644.889 near Springfield in a northerly direction to milepost 655.3 near Wilkins in Lane County, OR, provided that (1) SP shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track for a period of 120 days following the issuance of the certificate, (2) that a subsequent purchaser of the property shall submit plans for future use of the property including bridge structures to the Commission and the Historic Preservation Council, and (3) in the event the bridge crossing the McKenzie River near Coburg, is eventually demolished, the subsequent purchaser will, prior to demolition, insure that appropriate measures are taken to adequately record the structure according to the standards prescribed by the Historic American Engineering Record. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, 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 a 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, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14321 Filed 5-22-78; 8:45 am]

[7305-01]

[Docket No. AB-7 (Sub-No. 53F)]

**STANLEY E. G. HILLMAN, TRUSTEE OF THE
PROPERTY OF CHICAGO, MILWAUKEE, ST.
PAUL & PACIFIC RAILROAD CO., DEBTOR**

**Abandonment Near Bedford and Seymour, in
Lawrence and Jackson Counties, Ind.; Notice
of Findings**

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an Certificate and Decision dated May 9, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, 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 ICC 76 (1977) and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. of a line of railroad known as the Bedford to Seymour Branch extending from railroad milepost 262.5 near Bedford in an easterly direction to railroad milepost 300.0 near Seymour, a distance of 37.5 miles, in Lawrence and Jackson Counties, IN. A cer-

tificate of public convenience and necessity permitting abandonment was issued to Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than June 7, 1978. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective July 7, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14320 Filed 5-22-78; 8:45 am]

[7035-01]

[Docket No. AB-19 (Sub-No. 20)]

**WASHINGTON COUNTY RAILROAD CO. AND
THE BALTIMORE & OHIO RAILROAD CO.**

**Abandonment Portion Hagerstown Branch Be-
tween Weverton and Hagerstown, Also Por-
tion of the Antietam Branch Near Security,
all in Washington County, Md.; Notice of
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 a decision entered on October 26, 1977, and the decision of the Commission, Division 2, acting as an Appellate Division, served April 27, 1978, affirmed the decision of the Administrative Law Judge, which is administratively final, 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 ICC 76 (1977), the present and future public convenience and necessity permit abandonment by the Washington County Railroad Company of the portion of its Hagerstown Branch between Valuation Station 0+00 at Weverton, Md., and Valuation Station 980+00 at or near Roxbury, Md., and the portion of its Security Branch between Valuation Stations 65+71 and 130+00 at or near Se-

curity, Md., and that the present and future public convenience and necessity permit the abandonment by The Baltimore & Ohio Railroad Co. of operations over said lines of railroad, provided that (1) Washington County Railroad Co. and The Baltimore & Ohio Railroad Co. shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, all bridges, and all culverts on the line for a period of 120 days following issuance of the certificate unless said property has first been offered upon reasonable terms, to responsible persons interested in acquiring the property for public use and (2) in the event that a public or private organization interested in acquisition of the right-of-way does not come forward within the above-specified 120-day period, then applicant shall include in any contract for sale of the abandonment property the following: (a) that the subsequent purchaser of said property submit plans for future use of the property, including bridge structures, to the Commission and the Historic Preservation Council for review; and (b) that in the event the bridge is eventually demolished, the subsequent purchaser will, prior to demolition, ensure that appropriate measures are taken to adequately record the structure according to standards prescribed by the Historic American Engineering Record. A certificate of abandonment will be issued to the Washington County Railroad Co. and The Baltimore & Ohio Railroad Co. based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of 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, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14322 Filed 5-22-78; 8:45 am]
[Docket No. AB-126]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

Abandonment of Entire Line in Potter and Tioga Counties, Pa.; Notice of 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 a decision entered on September 30, 1977, and the decision of the Commission, Division 2, served April 5, 1978, as amplified, adopted the decision of the Commission, Review Board No. 5, which is administratively final, stating that, subject to the conditions for the protection railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Wellsville, Addison & Galetton Railroad Corp. of its entire line of railroad extending from Galetton, in Potter County to Elkland, in Tioga County, a distance of approximately 31.5 miles, and from Gaines Junction to Ansonia, in Tioga County, a distance of approximately 8.5 miles, together with approximately 6,500 feet of siding, all in the State of Pennsylvania. A certificate of abandonment will be issued to the Wellsville, Addison & Galetton Railroad Corp., based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, 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, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14324 Filed 5-22-78; 8:45 am]
[Ex Parte No. 347]

WESTERN COAL INVESTIGATION

Guidelines for Railroad Rate Structure

In accordance with the Commission finding in Ex Parte No. 270 (Sub-No. 4), *Investigation of Railroad Freight Rate Structure—Coal*, 345 ICC 493, 533 (1976), regarding the desirability of developing guidelines of reasonableness in connection with present and prospective western coal rates by rail, an investigation into appropriate rate guidelines for western coal movements originating in the Rocky Mountain—Upper Missouri River region will be instituted. Oral hearings within this region may be held if further development of the record is warranted.

The principal focus of this proceeding will be the determination of appropriate levels of minimum and/or maximum rates for large-volume movements of bituminous and lignite coal from origins in coal producing districts 16 through 22,¹ with the exception of points in the State of California, to all destinations in the continental United

¹Coal producing districts number 16 through 22, excluding the State of California, include the States of Montana, North and South Dakota, Colorado, Wyoming, Utah, Arizona, and New Mexico.

States. It is contemplated that the guidelines determined in this proceeding will apply only in instances where it is found that a proponent carrier has market dominance. Statements of facts and arguments by interested parties should primarily be directed to the following issues:

(1) The appropriate basis upon which a zone of reasonableness should be defined, e.g. percentage of class rates, percentage of commodity rates, distance scales, ratios of rates to variable or fully-allocated costs, or some other basis or market condition pertinent to the emerging western coal market;

(2) The appropriate level at which to set a rate range for maximum and/or minimum rates;

(3) The proper weight to be given general guidelines in individual rate proceedings, and whether such guidelines should affect evidentiary burdens or decisions on whether or not to suspend rate increase proposals;

(4) The effect any western coal rate guidelines may have on the existing coal rate structure in the east;

(5) The application of guidelines to capital incentive rates filed under section 15(19) of the Interstate Commerce Act;

(6) Whether the Commission should incorporate into its guidelines the cost of prospective capital investments in determining the cost of service for western coal movements;

(7) The application of guidelines to any contract rates on large-volume coal movements, filed in accordance with the Commission's General Policy Statement on Railroad Contract Rates, issued May 11, 1978;

(8) The integration of guidelines with market dominance determinations and the standards enunciated in Ex Parte No. 338, Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels, ICC _____ served February 3, 1978; and

(9) Any other pertinent issues which will not unduly broaden this proceeding.

The Commission intends to promulgate guidelines or standards after the completion of this investigation based on its findings and conclusions. Furthermore, the Commission contem-

plates that the matters under consideration in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. In this regard, an Environmental Impact Statement will be drafted as required by section 102(2)(c) of the National Environment Policy Act of 1969, 42 U.S.C. 4321 et seq. Any person desiring to express any views, arguments, or comments, regarding the environmental amenities involved in this proceeding is invited to participate by filing appropriate statements in accordance with the schedule set forth below; and such statements should comply with the Commission's regulations (49 CFR 1108 et seq.) regarding the filing of environmental pleadings.

It is ordered:

(1) Under the authority of the National Transportation Policy (49 U.S.C. preceding section 1) and part I of the Interstate Commerce Act, an investigation is instituted for the determination of appropriate levels of minimum and/or maximum rates for large-volume movements of bituminous and lignite coal from origins in coal producing districts 16 through 22, with the exception of points in the State of California, by railroads subject to the Interstate Commerce Act, and that said railroads to the extent they participate in the transportation of such coal are hereby made respondents.

(2) Any person interested in this proceeding shall file with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before May 30, 1978, the original and two copies of a statement of his interest to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to serve the pleadings of parties in this proceeding only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether the party genuinely wishes to participate by receiving or filing evidence, (3) if the party desires to participate

as described in (2), whether he will consolidate or is capable of consolidating his interest with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding for the purposes specified in (2) above; and that persons not timely filing a statement of intention by May 30, 1978, will not be permitted to participate except upon a showing of good cause for such late participation and leave granted.

(3) This proceeding shall be handled under modified procedure as provided by the Commission's Rules of Practice, except that 20 copies of all statements submitted shall be filed with the Commission, and the filing and service of pleadings to be as follows:

(a) An opening statement of facts and argument may be submitted by any party to the proceeding on or before July 20, 1978.

(b) A statement or statements limited to rebuttal to any opening statement filed in (a) above may be submitted by any party to the proceeding on or before August 22, 1978. The opening statement to which the rebuttal statement is directed must be specifically identified.

(4) The evidence submitted in the statements filed (opening and rebuttal) must be served on all parties on the service list.

(5) Notice of this order shall be given to the general public by depositing a copy in the Commission's Office of the Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Decided May 11, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14325 Filed 5-22-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-130, Amdt. 1]

CIVIL AERONAUTICS BOARD

Notice of addition and deletion of items to the May 19, 1978, meeting.

TIME AND DATE: 10 a.m., May 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Delete: 16. New low fares proposed by Northwest (BPDA). Addition: 11a. Air France: Application for blind sector traffic rights under Part 216 of the Board's Economic Regulations. (Memo No. 7970, BPDA, BIA.)

STATUS: 1-27—Open, 28—Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 16 was inadvertently added to the May 19, 1978, meeting agenda twice. (See Item 12.) Item 11a. requires action because the authority at issue is an extension of existing authority which expires May 18. If the Board does not act promptly, there could be retaliatory action by the French Government against U.S. carriers. Accordingly, the following Members have voted that agency business requires the deletion of Item 6 and the addition of Item 18a and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1078-78 Filed 5-19-78; 8:45 am]

[6712-01]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, May 18, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

General—3—Ex parte communications in informal rulemaking proceedings.

Safety and Special Radio Services—2—Federal policy on the use of Citizens Band Radio by motor vehicle operators.

Common Carrier—4—Applications to expand A.T. & T.'s Dataphone Digital Service (DDS) to serve a total of 96 cities, W-P-C 1420.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: May 16, 1978 and May 17, 1978.

[S-1079-78 Filed 5-19-78; 3:42 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published May 22, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 24, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CP-4.—CP75-362, El Paso Natural Gas Co.
M-4.—R-472, Report of the Alternate Fuel Demand of Direct End Use Customers of Interstate Pipeline Co.'s Due to Natural Gas Curtailments: FPC Form No. 69

KENNETH F. PLUMB,
Secretary.

[S-1080-78 Filed 5-19-78; 3:42 pm]

[6210-01]

4

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 11 a.m., Friday, May 26, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20351.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests by Reserve Bank Directors regarding proposed retention of bank stock pursuant to paragraph (3) of the Guide to Conduct for Directors of Reserve Banks and Branches of Reserve Banks.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 18, 1978.

CATHY B. MINEHAN,
Assistant Secretary of the Board.
[S-1077-78 Filed 5-19-78; 9:33 am]

[7020-02]

5

[USITC SE-78-25]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:30 a.m., Tuesday, May 30, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Investigation 332-98 (Customs Valuation)—Vote and approval of preliminary report.
6. Investigation TA-201-31 (Zinc)—Briefing.
7. Proposed investigation, under section 603 of the Trade Act of 1974, on the importation and sale of A-300 aircraft—See memorandum from the Director of Operations (no control No.).
8. Consideration of the status of Mr. Shewmaker (if necessary).
9. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1074-78 Filed 5-19-78; 9:33 am]

[7020-02]

6

[USITC SE-78-24A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21106, May 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., e.d.t., Thursday, May 25, 1978.

CHANGES IN THE MEETING: The following item, previously scheduled for the meeting of Thursday, May 25, 1978, has been added to the agenda for the meeting of Tuesday, May 30, 1978:

5. Zinc (Inv. TA-201-32)—Staff briefing.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1075-78 Filed 5-19-78; 9:33 am]

[7020-02]

7

[USITC SE-78-26]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, June 1, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Zinc (Inv. TA-201-31)—Vote on injury.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1076-78 Filed 5-19-78; 9:33 am]

8

NATIONAL RAILROAD PASSENGER CORPORATION.

BOARD OF DIRECTORS MEETING

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on May 31, 1978.

A. The meeting will be held on Wednesday, May 31, 1978, in the Columbia A Room of the Hyatt Regency Hotel, 400 New Jersey Avenue NW., Washington, D.C. beginning at 10:15 a.m.

B. The meeting will be open to the public at 11:15 a.m. beginning with agenda item no. 3, as described below.

C. The agenda items to be discussed at the meeting follow:

AGENDA

NATIONAL RAILROAD PASSENGER CORPORATION
MEETING OF THE BOARD OF DIRECTORS—MAY
31, 1978

10:15—Closed session

1. Internal personnel matters.
2. Litigation matters.

Open Session

3. Approval of minutes of regular meeting of April 25, 1978.

4. Route restructuring.

5. Commitment approval requests:

78-46: Construction of 12.6 miles of track, post road Rensselaer (release of Board hold).

78-95: Rehabilitation and modernization—on board service support facility—Penn Station, N.Y.

78-96: Roof rehabilitation—New Orleans Union Passenger Terminal.

78-101: Adjustment of commitment approval request authorized amounts—More than \$100,000 (facilities and other).

78-107: Adjustment of commitment approval request authorized amounts—More than \$100,000 (major equipment).

78-106: Emergency track improvements—Northeast Corridor.

6. Board Committee reports:

A. Organization and compensation.

B. Equipment: (1) Young President's organization study; (2) Preseasoning air-conditioning report; (3) Report on disc brakes; (4) Superliner delivery schedule; (5) Head-end power conversion; and (6) Metroliner 1½.

C. Northeast Corridor improvement project: (1) Status of 1978 work program; (2) Status of concrete tie program; (3) Status of Southwest Corridor Project; (4) FRA slow orders in Northeast Corridor; (5) FRA legal department problem; and (6) Status of labor situation.

D. Planning and finance.

7. President's reports:

A. Operations: (1) National operations; (2) Operations support; (3) Northeast Corridor Operations; and (4) Corporate functions.

B. Marketing.

C. Government affairs.

D. Other.

8. Financial reports.

9. Resolution appointing trustee of retirement income plan.

10. Delegation of authority.

11. Resolution of appreciation.

12. New business.

13. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to appendix A of the Corporation's bylaws should be directed to the Assistant Secretary at 202-383-3971.

Dated: May 19, 1978.

T. PAGE SHARP,
Assistant Secretary.

[S-1081-78 Filed 5-19-78; 3:42 pm]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, May 25, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

9:30 A.M.

1. Discussion of OIA/OGC inquiry in testimony of the executive director for operations (continued from May 11, 1978). (Approximately 1½ hours—closed—Exemption 1.)

2. Discussion of personnel matter (postponed from May 18, 1978). (Approximately 1 hour—Closed—Exemption 6.)

2:00 P.M.

1. Briefing on reactor licensing schedules. (Approximately 1 hour—Public meeting.)

2. Briefing on neutron radiation exposures. (Approximately 30 minutes—Public meeting.)

3. Affirmation items. (Approximately 10 minutes—Public meeting.) a. FOIA appeal by S. Klein (tentative).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

MAY 18, 1978.

[S-1082-78 Filed 5-19-78; 3:42 pm]

TUESDAY, MAY 23, 1978
PART II



**CIVIL SERVICE
COMMISSION**

**IMPROVING
COMMISSION
REGULATIONS**

**Proposals for Implementing
Executive Order 12044**

**Register
Proposals**

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978	Vol. 43 FR,
	Date of Issue	Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978
	Date of Issue
Treasury Department	May 24
ACTION	May 24
Interior Department	May 25

[6325-01]

CIVIL SERVICE COMMISSION**IMPROVING COMMISSION REGULATIONS****Draft Report on Implementation of Executive Order 12044**

AGENCY: United States Civil Service Commission.

ACTION: Request for public comment.

SUMMARY: The Civil Service Commission asks for public comment on this draft report on implementation of Executive Order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978). This report outlines:

- (1) A description of the process for developing regulations;
- (2) The changes made to comply with the order;
- (3) Proposed criteria for defining significant regulations;
- (4) Reasons for not establishing criteria for determining which regulations require regulatory analyses;
- (5) Proposed criteria for selecting existing regulations for review.

DATE: Comments must be received on or before July 24, 1978.

ADDRESS: Interested persons and Federal agencies are encouraged to submit written comments or views concerning any aspect of this draft report to: Director, Bureau of Policies and Standards, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT:

Nathaniel L. Brown, Civil Service Commission, Bureau of Policies and Standards, 1900 E Street NW., Washington, D.C. 20415, 202-632-5623.

REGULATORY PROCESS

The Civil Service Commission's regulatory process is described in the appendix to this report which is a proposed chapter in the Commission's Administrative Manual. The Commission has made the following changes in its process to comply with the Executive order:

- (1) Developed a procedure to provide an opportunity for early participation by interested parties;
- (2) Developed proposed criteria for identifying significant regulations;
- (3) Established a requirement that proposed significant regulations are to be published in the FEDERAL REGISTER for public comment in addition to its current practice of obtaining comments from Federal agencies, labor organizations, and other interested parties directly;
- (4) Developed a procedure for publishing a semiannual agenda of regulations in the FEDERAL REGISTER; and

(5) Developed proposed criteria for selecting existing regulations for review.

All of these changes are described in the appendix.

REGULATORY ANALYSIS

Section 3(a) of the Executive order requires that each agency establish criteria for determining which regulations require regulatory analysis. The Commission is the central personnel agency of the executive branch of the Government. The Commission, as directed or authorized by statute or by order of the President, serves as the personnel management staff agency of the President. In this capacity, the Commission develops and issues regulations for personnel management operations in executive agencies. The Commission believes that it would be unlikely that a statute, Executive order, or civil service rule would require the Commission to develop and issue regulations that would have the effect on the general economy that would make a regulatory analysis appropriate. However, the Commission may, at its discretion, prepare a regulatory analysis on any proposed regulation. For these reasons it is determined that section 3 of the Executive order is not applicable to the Commission's regulations.

REVIEW OF EXISTING REGULATIONS

The Commission has established criteria for review of existing regulations. Those criteria are described in section 4 of the appendix. Because the proposed Civil Service Reform Act of 1978 is presently under consideration in the Congress, the Commission is not publishing a list of existing regulations for initial review at this time. When congressional action is completed, it may be necessary for the Commission to review and revise all of its regulations to comply with the provisions of the statute. The Commission therefore has decided that it is neither desirable nor efficient to undertake a separate review of regulations at this time.

The Commission invites interested persons to make suggestions on which regulations should be revised and on which regulations should be revised first. Suggestions will be considered when the review of existing regulations is begun. The Commission's regulations appear in Title 5 of the Code of Federal Regulations.

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

APPENDIX**PROCEDURES FOR DEVELOPING, SIMPLIFYING AND REVIEWING REGULATIONS**

1. *Purpose.* The purposes of this chapter are to establish policy and ob-

jectives for simplifying and improving the quality of regulations; prescribe procedures for issuing new regulations and for reviewing existing regulations; and to assign responsibility for ensuring that the objectives of Executive Order 12044 are achieved.

2. *Policy.* It is the policy of the Commission that regulations shall be as clear and simple as possible and shall be developed through a process which ensures that:

- a. The need for and purposes of the regulations are clearly established;
- b. The regulations are clear, precise, and understandable;
- c. The regulations have been coordinated with all offices which have a program interest in them;
- d. An opportunity exists for early participation and comment by Federal agencies and other interested parties;
- d. An opportunity exists for early participation and comment by Federal agencies and other interested parties;
- e. Relevant issues are considered and analyzed;
- f. Compliance costs, paperwork and other burdens on those who may be affected are minimized; and
- g. comments are considered and adequate response is prepared.

3. Responsibilities of the Initiating Offices.

a. "Initiating office" means each Commission office or organization which has responsibility for developing regulations for issuance by the Commission.

b. The head of each initiating office has primary responsibility for:

- (1) Preparing a brief summary, early in the regulatory process, for the Commission on the issues and alternatives involved in the matter requiring regulation;
- (2) Developing proposed regulations in accordance with the policy stated in this chapter;
- (3) Ensuring that the public has an early and meaningful opportunity to participate in the development of regulations through a variety of ways;
- (4) Ensuring that the public is given at least 60 days to comment on significant regulations unless circumstances require a shorter review period;
- (5) Providing a brief statement of the reasons for a shorter time period when it is not possible to give the public at least 60 days to comment on significant regulations;
- (6) Establishing and carrying out a systematic procedure for reviewing and revoking or revising existing regulations; and
- (7) Informing the Commission on proposed or final regulations of the:

- (a) Reason and legal authority for the regulation;
- (b) Objective(s) of the regulation;
- (c) Relevant issues involved and the alternatives explored for achieving the objectives of the regulation;

(d) Probable reporting requirements; and

(e) Opportunities for interested parties to participate in the regulatory process.

4. Reviewing Existing Regulations.

a. Each initiating office shall establish procedures for periodically reviewing all their existing regulations and revoking or revising those regulations which it determines are not achieving their intended purpose.

b. Identifying existing regulations for review and possible revocation or revision and in determining the order in which they are to be reviewed, each initiating office shall consider:

(1) The nature and extent of complaints or suggestions about operations under the regulations;

(2) The continued need for the regulation;

(3) The need for eliminating conflicts and inconsistencies in its own regulations or those of other initiating offices;

(4) The length of time since the regulations have been evaluated or the degree to which the factors resulting in a need for regulation have changed;

(5) The burdens imposed on those directly or indirectly affected by the regulations; and

(6) The need to simplify or clarify the language of the regulations.

5. Significant Regulations. Each initiating office shall use the following criteria in identifying which regulations are significant regulations.

a. A significant regulation is a regulation in which:

(1) A statute, Executive order or civil service rule to be implemented provides substantial discretion to the Commission over the practices, proce-

dures or standards for achieving what is required;

(2) The coverage of State or local governments or individuals is on a national basis; or

(3) There is a substantial or recurring reporting requirement.

b. Editorial changes to significant regulations such as a change in an office address, references cited, or changes made to simplify or clarify the language are not themselves significant regulations. However, an amendment which changes a practice, procedure, or standard of significant regulations may itself be a significant regulation.

c. When a regulation does not meet the criteria for a significant regulation, the initiating office shall include a statement to that effect at the time the regulations are proposed.

6. Semiannual Agenda of Significant Regulations.

a. Each initiating office shall submit to the Issuance System Manager an agenda of significant regulations under development or review by May 1 and November 1 of each year.

b. The agenda shall describe the regulations being considered, the reason and legal basis for the action being taken, and the status of regulations previously listed on the agenda.

c. Each item on the agenda shall include the name and telephone number of a knowledgeable official.

d. The agenda also shall include existing regulations scheduled for review.

e. The Issuance System Manager shall prepare the regulatory agenda and submit it to the Commission for consideration and approval.

f. The Executive Assistant to the

Commissioners shall publish the regulatory agenda in the *FEDERAL REGISTER* by June 1 and December 1 of each year.

7. Process for Developing Significant Regulations. The following is a brief description of the process for developing and issuing significant regulations. The items listed are the minimum steps necessary for compliance with Executive Order 12044.

a. Prior to developing draft regulations the initiating office prepares a brief summary early in the regulatory process to the Commission on the issues and alternatives involved in the matter requiring regulation.

b. The initiating office discusses the problems, statute, civil service rule, or Executive order with appropriate IAG Committees, labor organizations, or other interested parties for suggestions and recommendations.

c. The initiating office prepares draft regulations and circulates them among Commission offices and appropriate IAG Committees who have a program interest for comments and suggestions.

d. The initiating office forwards the draft regulations to the Commission for consideration and approval to publish in the *FEDERAL REGISTER* for public comment and additional consultation with Federal agencies, State and local governments as appropriate, labor organizations, or other interested parties.

e. The initiating office forwards the final version of the regulations with its response to the major issues raised in the public comments to the Commission for approval and publication in the *FEDERAL REGISTER* as final regulations.

[FR Doc. 78-14341 Filed 5-18-78; 4:21 p.m.]

TUESDAY, MAY 23, 1978
PART III



**ENVIRONMENTAL
PROTECTION
AGENCY**

**NATIONAL POLLUTANT
DISCHARGE
ELIMINATION SYSTEM**

Water Programs

**Register
Pollution**

[6560-01]

Title 40—Protection of Environment

(FRL 887-2)

**CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY****SUBCHAPTER D—WATER PROGRAMS****PART 124—STATE PROGRAM ELEMENTS
NECESSARY FOR PARTICIPATION IN THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION
SYSTEM****PART 125—NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revises parts 124 and 125 of EPA regulations. The purpose of this revision is to: conform the regulations to the requirements of a consent decree approved by the U.S. District Court; and to clarify the procedures and criteria which EPA will use in exercising its power to object to (veto) the issuance of State national pollutant discharge elimination system (NPDES) permits. Both of these proposed changes are necessary to assure national consistency in water pollution control efforts, particularly with respect to toxic and hazardous pollutants.

EFFECTIVE DATE: May 23, 1978.**FOR FURTHER INFORMATION
CONTACT:**

Edward A. Kramer (EN-336), Office of Water Enforcement, Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:**THE PROPOSED RULE**

On January 6, 1978, EPA published a proposed rule revising EPA's regulations governing State NPDES programs (43 FR 1256). The stated purpose of this revision was to conform the regulations to the requirements of the Settlement Agreement approved by the U.S. District Court for the District of Columbia and issued on June 8, 1976, in *Natural Resources Defense Council v. Train* (hereafter the Consent Decree) 8 ERC 2120 (D.D.C. 1976), and to clarify the procedures under which EPA will exercise its power to object to (veto) the issuance of State NPDES permits. A 30 day comment period was provided, and the Agency received over 60 written comments.

Minor editorial changes have been made in all sections of the final rule. In addition, the EPA response to significant comments is described below.

**THE EFFECT OF THE CLEAN WATER ACT
OF 1977**

A majority of commenters noted the failure of the proposed regulations to reflect the 1977 amendments (Pub. L. 95-217) to the Clean Water Act (hereafter CWA or the Act, also known as the Federal Water Pollution Control Act). While EPA was aware of the CWA amendments when the regulations were prepared for proposal, the exact content and status of the amendments were uncertain at that time. Nevertheless, a delay in proposal pending enactment was rejected for two reasons: because the amendments being considered by Congress were generally consistent with the proposed regulations, and because of the pressing need for regulations to assure national consistency in water pollution abatement and increased control of toxic pollutants.

The final regulations have been rewritten to reflect the language of the CWA as amended. Although some commenters suggested withdrawal and reproposal to enable EPA to explain the effect of the CWA on the regulations, we believe that this is unnecessary. The enactment of the CWA prior to the publication of the proposed regulations constitutes adequate public notice of its provisions, as evidenced by the large number of comments addressing the CWA.

Contrary to the position taken by some commenters, the amendments to the CWA have not rendered the proposed regulations unnecessary. Rather, the proposed regulations in general are consistent with the amendments in the CWA of 1977 to sections 307(a) and 402(d). New section 307(a) reflects the Consent Decree in authorizing promulgation of effluent limitations for toxic pollutants under sections 301(b)(2) (C) and (D) and 304(b)(2) and requiring EPA to list as toxic those pollutants covered by the Consent Decree (Table 1 of Committee Print No. 95-30, House Committee on Public Works and Transportation). Thus, the amendments indicate Congressional approval of the Consent Decree, not withdrawal of it. While the amendments do not alter the need for regulations to ensure continued progress in the control of toxic pollutants, § 124.46 has been revised to reflect the new authorities under section 307(a).

Similarly, despite the procedural amendments to sections 402(d) (2) and (4), there is still a need for regulations clarifying the method of EPA review of State issued permits. Section 402(d)(2) as amended requires EPA to make objections in writing, including a statement of the reasons for the objections and the effluent limitations and conditions EPA would incorporate if it were to issue the permit. New section 402(d)(4) allows the State to request

an EPA public hearing within 90 days of an objection. If the State fails to request a hearing or does not resubmit a revised permit within 30 days of the public hearing, EPA may issue a permit in accordance with the guidelines and requirements of the Act. These amendments are reflected in § 124.48 of the final regulations with three clarifications.

First, even where the Regional Administrator has agreed with the State under § 124.47(a) to a lesser period of review than the 90 days allotted by the Act, EPA is authorized to use some or all of the full 90-day period: (1) to make a detailed explanation of the basis for its objection, and (2) to provide the State with alternative effluent limitations and permit conditions which would be acceptable under the Act. While EPA must still notify the State of its general objection within the lesser period, the development and calculation of alternative limitations and conditions cannot realistically be limited to periods which may run as short as 30 days. Second, if the State submits a revised permit to EPA within the 90-day period following objection but does not request a public hearing, EPA will not exercise its authority to issue the permit. Finally, any permit issued by EPA under section 402(d)(4) would be subject to certification by the State under section 401.

**STATE TRANSMISSION OF TENTATIVE
DETERMINATIONS AND DRAFT PERMITS**

Under proposed §§ 124.31 (c) and (d), States would have been required to transmit tentative determinations and draft permits to the Regional Administrator for review prior to public notice. The purposes underlying these regulations were to enable EPA and the State to work together in formulating permits and their supporting records; to resolve EPA-State differences as early in the permit process as possible; and, most importantly, to allow an opportunity for public participation through the State comment and hearing process on any unresolved differences which might constitute grounds for EPA objection to permit issuance.

The first and second purposes—EPA and the State "working together" and attempting to resolve differences—were criticized by many commenters because they believed the EPA role was too intrusive, was in some instances violative of EPA agreements with the State, and would only cause further delays in permit issuance. EPA did not intend to establish an expanded role in State permit issuance under the regulations. Instead, EPA's role was to be identical to its present role, and would chiefly involve assistance to the State in interpreting Federal guidelines and requirements. However, we did find the comments concerning

delay in permit issuance persuasive, particularly where State law establishes a limited time period from receipt of a permit application to issuance of a public notice.

As stated earlier, §§ 124.31 (c) and (d) and 124.48(c)(4) were intended to provide an opportunity for public comment on the grounds for a potential EPA Objection to a State permit. Rather than establishing an additional EPA comment opportunity and further delay following State transmittal of a proposed permit to EPA, the regulations attempted to provide that opportunity in the course of the State permit process through early involvement by the Regional Administrator. (This purpose was not understood by some commenters, who suggested that EPA be required to provide a separate opportunity for comment under § 124.48(c)(3).) To ensure that this opportunity for public comment was adequate, the regulations provided that the Regional Administrator could not, as a rule, consider any data or information not before the Director in connection with the proposed permit.

However, the hearing opportunity now provided under section 402(d)(4) of the CWA and § 124.48(d) of the regulations allows sufficient public participation in cases where the Regional Administrator objects to the issuance of a permit, i.e., through the ability of the State or any interested person to request a public hearing following an EPA objection and through the ability of any interested person to participate in the EPA Issuance of a permit to which it has objected. In addition, § 124.48(c)(3) of the regulations allows the Regional Administrator, in his or her discretion, to solicit public comment from interested persons prior to objection.

Therefore, in consideration of comments concerning delays in permit issuance, in the interest of not disrupting existing EPA-State arrangements concerning review of permits, and in view of the CWA, §§ 124.31 (c) and (d) and 124.48(c)(4) have been withdrawn from the final regulations. The withdrawal of these sections does not indicate EPA disapproval of any existing relationships for early transmittal of draft permits that Regional Administrators and States may have already established.

Although these final regulations incorporate the State hearing opportunity following EPA objection under new section 402(d)(4), the Regional Administrator's discretion to provide for additional public comments prior to objection under § 124.48(c)(3) has been retained as proposed. We believe that the discretion afforded under § 124.48(c)(3) is necessary in view of the time constraints on EPA action in reviewing proposed State permits. EPA is limited to a 90 day statutory

period and in many cases has agreed to a shorter period to minimize delays in permit issuance. However, in response to comments suggesting that EPA provide a broader opportunity for public participation new § 124.48(d) allows any interested person to request an EPA public hearing within the 90 day period following an objection. Such a hearing is mandatory if requested by the State under section 402(d)(4) of the CWA. A public hearing will then be held wherever warranted by significant public interest.

THE CONSENT DECREE

Section 124.46 of the proposed regulations implemented the requirements of the Consent Decree in *NRDC v. Train*. The Consent Decree established a new program for, among other actions, the review and promulgation by EPA of effluent limitations guidelines, new source performance standards, and pretreatment standards in 21 major categories of industries, focusing on 65 classes of pollutants of particular concern. Paragraph 10(a) of the Consent Decree contains the specific requirement that all permits issued after January 1, 1978, be revised or modified to assure the prompt application of these guidelines and standards to all dischargers as they are issued or approved.

Some commenters suggested that the provisions of § 124.46 were improper, particularly in view of the CWA of 1977. We disagree. As noted above, it is EPA's position that the amendments do not supersede the "modification or revocation" requirement of the Consent Decree, but instead indicate tacit approval of it. Moreover, the provisions of § 124.46 do not otherwise exceed EPA's legal authority. EPA has broad authority in section 402(a)(1) of the Act to include in permits any conditions necessary to carry out the provisions of the Act; these provisions would include new requirements for best available technology economically achievable for toxic pollutants. Both the Act (section 402(b)(1)(C)) and EPA regulations (40 CFR 124.45(b)) also indicate that permits may be modified or revoked for cause. Section 402(k) of the Act, relating to the effect of compliance with a permit, in no way alters this explicit authority, a view recently affirmed by the U.S. Court of Appeals for the Seventh Circuit in *Inland Steel v. EPA*, — F. 2d —, No. 77-1648 (7th Cir. March 3, 1978).

In *Inland Steel* also, the Court emphasized EPA's broad discretion to choose the means for carrying out responsibilities under section 307(a) of the Act, extending to the promulgation of necessary regulations under section 501(a). It is EPA's position that "cause" exists for permit modification and revocation to reflect new effluent limits on toxic pollutants

when they are promulgated, particularly in view of the 1984 statutory deadline for their achievement and the potential for harm to the public health and the environment from discharges of these pollutants. Thus, we disagree with those commenters who felt that control of toxic pollutants does not warrant a change from EPA's standard policy of permit finality.

A few commenters indicated confusion as to how the reopener clause would operate. As a result, some further explanation is warranted. First, upon permit modification or reissuance, the permittee will be subject to all requirements under the Clean Water Act then applicable, including effluent limitations for all pollutants covered in the applicable guideline, best conventional pollutant control technology limitations and best management practices for ancillary industrial activities. The new or modified permit would not be restricted to additional coverage of toxic pollutants only. § 124.46 has been revised to clarify this point.

Second, new or modified permits will not require immediate compliance with new effluent limitations. Rather, these permits will contain a schedule of compliance for achievement of effluent limitations consistent with statutory deadlines.

Third, permittees affected by the reopener clause will be afforded all procedural rights which are generally available for permit modification and reissuance, including the right to request hearings under the regulations. Absent unusual circumstances, permit revocation should not result in a lapse of permit coverage and a resulting "no discharge" requirement pending reissuance, because revocation would be simultaneous with issuance of the new permit.

Fourth, the regulation has been revised to clarify that the modification/revocation requirement is applicable: (1) where new toxic pollutants are listed under section 301(b)(2)(D); (2) where EPA reviews and "approves" existing applicable effluent guidelines for the control of toxic pollutants under section 301(b)(2)(C), as well as when EPA issues new effluent guidelines under that section; and (3) where EPA is the permit issuing authority.

Finally, new regulations are being proposed today under a separate heading to explain the use of short term vs. long term permits containing the reopener clause.

GROUND FOR OBJECTIONS TO PERMITS

Under § 124.48(b) of the proposed regulations, EPA sought to clarify the grounds on which a permit may be "outside the guidelines and requirements" of the Act under section 402(d)(2). One or more of these grounds would serve as the basis for

the Regional Administrator's objection to a proposed permit, and would be contained and perhaps further explained in the written objection required under the CWA and § 124.48(a) of the regulations.

While some commenters supported some or all of the listed grounds for objection, others viewed them as unauthorized expansions of EPA's "veto" role. Specifically, a number of commenters felt that EPA was improperly intruding into State factual determinations, i.e., matters not falling within the "guidelines and requirements" review of section 402(d)(2). Many cited the recent case of *Ford Motor Co. v. EPA*, 567 F.2d 661, 11 ERC 1018 (6th Cir. 1977) in support of their contentions that the regulations were excessively broad. Under *Ford Motor Co.*, an EPA objection was found to be outside the scope of section 402(d)(2) when based solely upon failure of the State to conform to EPA policy guidance issued after objection and absent a specific requirement of the Act or regulations.

No expansion of existing EPA review authority is contemplated by the regulations. We believe that the listing of grounds under section 124.48(b) falls well within the scope of section 402(d)(2) of the Act and is consistent with the *Ford Motor Co.* case. While many of the listed grounds require some consideration of State factual determinations, these factual determinations are reviewed by EPA only to the extent of ensuring compliance with the "guidelines and requirements" of the Act. This is a purely "legal" review; the Regional Administrator must evaluate the factual record in order to determine whether the terms and conditions of the proposed permit comply with the requirements of the Act and regulations promulgated under the Act.

EPA recognizes that reasonable persons may differ as to what the Act and regulations require. In close cases, EPA should defer to the judgment of the State, e.g., where there is a minor numerical difference between the State and EPA evaluation of what constitutes the requisite technology-based effluent limitation in a "pre-guidelines" permit. Nevertheless, because of its statutory mandate, EPA must ensure that State permits impose the minimum permit terms and conditions required by the Act. (The States of course retain full authority to impose requirements more stringent than those contained in the Act.) The exercise of EPA judgment in subparagraphs (2), (4), (5), and (6) of § 124.48(b) is implicit in EPA's review of permits for consistency with the law and is essential to protect against clear abuses by the States in applying the requirements of the Act and regulations. Such abuses have not been fre-

quent; in fact, only 88 out of 23,000 permits issued by States have been objected to by EPA. These regulations are not expected to increase the numbers or percentage of permits to which EPA objects, but to provide a framework for regularity in the exercise of existing authority. The following examples based on actual EPA experience illustrate the importance of some EPA judgment in exercising its review authority and assessing the adequacy of State permits:

1. A State might propose to issue a permit disregarding final statutory deadlines for achievement of required levels of treatment, "interpreting" the CWA to authorize such a permit despite clear language to the contrary.

2. A State might propose to issue a permit which postpones steps toward compliance with a final statutory deadline until such a late date that the required treatment technology could not realistically be expected to be installed by the discharger and operating in time.

3. A State might propose to issue a permit containing "pre-guidelines" determinations of technology-based effluent limitations which the State developed without adequate consideration of the factors listed in section 304(b) of the Act.

4. A State might propose to issue a permit which disregards an applicable effluent limitations guideline, by finding the guideline non-applicable despite clear evidence to the contrary.

EPA should be able to object to the issuance of State permits as being outside the guidelines and requirements of the Act in these and other situations. To allow unrestricted State discretion in these instances, as some commenters have recommended, would constitute dereliction of the responsibility established by Congress under section 402(d)(2). Thus, proposed § 124.48(b) has been retained in the final regulations.

Proposed § 124.48(b) (4) and (5) have been merged into new § 124.48(b) (4), however, to clarify that EPA's concerns relate to the application of the interpretation of the CWA and regulations and the application of the CWA and regulations to the facts.

RECOMMENCEMENT OF REVIEW PERIOD

Section 124.48(c)(2) of the proposed regulations authorized the recommencement of the 90 day review period under section 402(d)(2) of the Act where the State permit record is inadequate for EPA review. Some commenters objected to the delays that would be caused by this provision, while others felt that EPA was bound by the 90 day period regardless of the adequacy of the State record.

We have not changed the final regulations to reflect the latter comment, since an absolute time limit which dis-

regards the adequacy of the State record would effectively allow a State to avoid the Regional Administrator's objection to a proposed permit by submitting an incomplete record. However, in response to the former comment, § 124.48(c)(2) of the final regulations has been revised to require EPA notification to the State of an inadequate record within thirty days of receipt of the State submittal under § 124.47. This should minimize any delays attributable to EPA actions while ensuring sufficient time for the Regional Administrator's review after an adequate record has been submitted by the State.

APPLICATION OF EFFLUENT STANDARDS AND LIMITATIONS AND OTHER REQUIREMENTS

Section 124.42(a)(6) of the proposed regulations clarified that the determination of permit conditions under that subparagraph was not in the sole discretion of the Director. Some commenters objected, believing that the Director's discretion should be unreviewable by EPA. Although we have no lack of confidence in the capabilities of the States, we must disagree, for the reasons described under "Grounds for Objection to Issuance of Permits."

However, in response to comments, an error in § 124.42(a)(6) has been corrected, and that subparagraph has been revised in the final regulations to conform to section 402(a)(1) of the Act.

Because of their importance for permits being issued in the near future, EPA finds that good cause exists to make these regulations effective without the 30 day waiting period prescribed under 5 U.S.C. 553(d)(3). Accordingly, they will become effective May 23, 1978.

NOTE.—The Environmental Protection Agency has determined that this document does not constitute a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: May 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

1. Subpart E table of contents is revised to read as follows:

Subpart E—Terms and Conditions of NPDES Permits

Sec.	
124.42	Application of effluent standards and limitations, water quality standards, and other requirements.
124.46	Requirements under Section 307(a)(2) of the Act.
124.47	Transmission to Regional Administrator of proposed NPDES permits.
124.48	Objection to proposed permits.

Sec.
124.49 Transmission to Regional Administrator of issued NPDES permits.
Appendix D—Point source categories.

Subpart E—Terms and Conditions of NPDES Permits

2. Section 124.42 is amended by revising paragraph (a)(6) to read as follows:

§ 124.42 Application of effluent standards and limitations, water quality standards and other requirements.

(a) ***

(6) Prior to promulgation by the Administrator of applicable effluent standards and limitations under sections 301, 302, 306, 307, and 403, such conditions as are necessary to carry out the provisions of the Act.

3. Section 124.47 is renumbered as § 124.49 and § 124.46 is deleted and replaced by new §§ 124.46, 124.47 and 124.48 as follows:

§ 124.46 Requirements under Section 307(a)(2) of the Act.

(a) Any permit issued to a discharger within any industrial category listed in Appendix D of this Part shall apply, and assure compliance with, all applicable effluent standards and limitations promulgated under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of the Act. Where applicable standards or limitations have not yet been issued, the Director shall include in the permit a condition stating that if an applicable effluent standard or limitation is issued or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2), and such effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or, alternatively, revoked and reissued in accordance with such effluent standard or limitation and any other requirements of the Act then applicable.

[Comment: The following language is an acceptable permit condition for the purposes of this section:

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301(b)(2) (C), and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

(1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

(2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.]

(b) Where the Director follows the procedures set forth in paragraph (a)

of this section for an NPDES permit, and an applicable effluent standard or limitation under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) is issued or approved which is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the Director shall promptly modify or, alternatively, revoke and reissue the permit under § 124.72(a) of this Part in accordance with such effluent standard or limitation.

[Comment: The requirements of this section are intended to assure compliance with the 1984 statutory deadline for the achievement of best available technology economically achievable for pollutants now listed under section 307(a)(1) of the Act. Although this section does not require modification or revocation of permits where promulgated effluent limitations are not issued or do not cover section 307(a)(1) pollutants, such action nevertheless may be necessary under 402(b)(1) in order to assure compliance with their statutory deadlines (e.g., for the achievement of best conventional pollutant control technology and best available technology economically achievable for "non-conventional" pollutants). Where the Director proposes to issue a permit extending beyond a statutory deadline or not requiring the achievement of required effluent limitations by applicable statutory deadlines, the Regional Administrator will object to the issuance of the permit for its failure to adequately assure compliance with the Act.]

§ 124.47 Transmission to Regional Administrator of proposed NPDES permits.

(a) Any State or interstate agency participating in the NPDES shall transmit to the Regional Administrator copies of NPDES permits proposed to be issued by such agency in such manner as the Director and Regional Administrator shall agree upon. Any agreement between the State or interstate agency and the Regional Administrator shall be consistent with the requirements of this section.

(b) The Director shall transmit to the Regional Administrator all terms, conditions, requirements or documents that are a part of any proposed permit or that affect the authorization by the proposed permit of the discharge of pollutants.

(c) The Director shall transmit to the Regional Administrator a copy of any significant comments presented in writing pursuant to the public notice and a summary of any significant comments presented at any hearing, for any NPDES application if:

(1) The Regional Administrator requests this information; or

(2) The proposed permit contains requirements different from or less stringent than those contained in the

tentative determination and draft permit; or

(3) Significant comments adverse to the tentative determination and draft permit have been presented at the hearing or in writing pursuant to the public notice.

(d) Within 90 days following receipt of the proposed permit, or such lesser time as the Regional Administrator and the Director may agree upon, the Regional Administrator, pursuant to the right to object provided in section 402(d)(2) of the Act and § 124.48 of this subpart, may comment upon, object to, or make recommendations with respect to the proposed permit.

(e) The Regional Administrator may, by agreement with the State waive rights to receive, review, object to, or comment upon proposed NPDES permits for classes, types or sizes of discharges within any category of point sources, including the right to receive information under subsections (b) and (c) of this section.

(f) No waivers granted under sections 402(e) or 402(f) of the Act prior to the effective date of this subsection, nor any such waivers which may thereafter be granted, shall apply to any permit which is subject to § 124.46(a) of this Part, and which does not comply with that subsection.

[Comment: This paragraph, in effect, modifies any existing agreement between EPA and the State which is inconsistent with its provisions.]

§ 124.48 Objections to Proposed Permits.

(a) (1) Within the period of time provided under § 124.47(d) of this subpart, the Regional Administrator shall notify the Director of any objection to issuance of the proposed permit. This notification shall set forth in writing the general nature of the objection.

(2) Within 90 days following receipt of the proposed permit, the Regional Administrator shall also set forth in writing and transmit to the Director:

(i) A statement of the reasons for the objection (including the section of the Act or regulations that support the objection), and

(ii) The actions that must be taken by the Director in order to eliminate the objection (including the effluent limitations and conditions which the permit would include if it were issued by the Regional Administrator).

[Comment: This paragraph, in effect, modifies any existing agreement between EPA and the State which provides less than 90 days for review. This modification is necessary under the CWA amendments of 1977, which require EPA to provide detailed information concerning acceptable permit terms and conditions.]

(b) The Regional Administrator may object to the issuance of a proposed permit as being outside the guidelines

and requirements of the Act. This objection must be based upon one or more of the following grounds:

(1) The permit fails to apply, or to ensure compliance with, any applicable requirement of sections 208, 301, 302, 304, 306, 307, 308 and 403, or of any applicable regulations promulgated under those sections;

[Comment: Under the provisions of this paragraph, a permit extending beyond a final statutory compliance date or not requiring the achievement of required effluent limitations by applicable statutory deadlines, shall be subject to objection by the Regional Administrator.]

(2) In the case of any proposed permit for which notification to the Administrator is required under section 402(b)(5) of the Act, the written recommendations of an affected State have not been accepted by the permitting State and the Regional Administrator finds the reasons for nonacceptance inadequate;

(3) The procedures followed in connection with formulations of the proposed permit failed in a material respect to comply with procedures required by the Act or regulations and guidelines thereunder or required by any agreement between the State or interstate agency and the Regional Administrator;

(4) Any finding made by the Director in the proposed permit misinterprets the Act or any guidelines or regulations under the Act, or misapplies them to the facts.

(5) Any provisions of the proposed permit relating to the maintenance of records, reporting, monitoring, sampling, or the provision of any other information by the permittee are inadequate, in the judgment of the Regional Administrator, to assure compliance with the effluent standards and limitations required by the Act, by the guidelines and regulations issued under the Act, or by the proposed permit;

(6) In the case of any proposed permit with respect to which applicable effluent standards and limitations under sections 301, 302, 306, 307, and 403 of the Act have not yet been promulgated by the Agency, the proposed permit, in the judgment of the Regional Administrator, fails to carry out the provisions of the Act; or any regulations issued under the Act, including the requirements of sections 301 through 304.

[Comment: The provisions of this paragraph also apply to best management practices under section 304(e) of the Act, which must be incorporated into permits as requirements under section 301, 302, 306, 307, or 403, as the case may be.]

(7) Issuance of the proposed permit would in any other respect be outside

the requirements of the Act, or regulations and guidelines issued under the Act.

(c) Prior to notifying the Director of an objection based upon any of the grounds set forth in paragraph (b) of this section, the Regional Administrator:

(1) Shall consider all data transmitted pursuant to §§ 124.33 and 124.47;

(2) Shall, if the information provided is inadequate to determine whether the proposed permit meets the guidelines and requirements of the Act, request the Director to transmit to the Regional Administrator the complete record of the permit proceedings before the State, or any portions of the record that the Regional Administrator determines are necessary for review. This request shall be made within thirty days of receipt of the State submittal under § 124.47. It shall constitute an interim objection to the issuance of the permit, and the full period of time specified in accordance with section 124.47(d) for the Regional Administrator's review shall start over when the Regional Administrator has received such record or portions; and

(3) May, in his/her discretion and to the extent feasible within the period of time available under § 124.47(d), afford to every interested person an opportunity to comment on the basis for an objection;

(d) Within 90 days of receipt by the Director of an objection under this section, the State or interstate agency participating in the NPDES or any interested person may request that a public hearing be held by the Regional Administrator on the objection. Following a request, the Regional Administrator shall provide public notice and hold a public hearing in accordance with the procedures of 40 CFR 125.32 and 125.34 if warranted by significant public interest. A request by the State or the interstate agency shall be deemed to indicate significant public interest warranting a public hearing under this paragraph.

(e) A public hearing held under paragraph (d) shall be conducted by an EPA panel in an orderly and expeditious manner. Members of this panel shall include but not be limited to the Regional Administrator, the Assistant Administrator for Enforcement, the General Counsel, or their respective representatives. Any person may submit oral or written statements concerning the EPA objection, although reasonable limits may be set upon the time allowed for statements; and the submission of statements in writing may be required.

(f) At the conclusion of the public hearing the Regional Administrator shall:

(1) Reaffirm the original objection;

(2) Modify the terms of the objection;

or (3) Withdraw the objection, and shall notify the State of this decision.

(g) Where the Regional Administrator has objected to a proposed permit under this section, he/she may issue the permit in accordance with 40 CFR Parts 123 and 125 and any other guidelines and requirements of the Act in the following circumstances:

(1) If no public hearing is held under paragraph (d) and the State does not resubmit a permit revised to meet the Regional Administrator's objection within 90 days of receipt of the objection; or

(2) If a public hearing is held under paragraph (d) and the State does not resubmit a permit revised to meet the Regional Administrator's objection or modified objection within 30 days of the date of the Regional Administrator's notification under paragraph (f) of this section.

§ 124.49 [Redesignated from § 124.47]

4. Part 124 is amended by adding a new Appendix D as follows:

APPENDIX D—POINT SOURCE CATEGORIES

1. TIMBER PRODUCTS PROCESSING

SIC 2411—Logging camps and logging contractors (camps only).

SIC 2421—Saw mills and planning mills, general.

SIC 2426—Hardwood dimension and flooring mills.

SIC 2429—Special purpose sawmills, not elsewhere classified.

SIC 2431—Millwork.

SIC 2434—Wood kitchen cabinets.

SIC 2435—Hardwood veneer and plywood.

SIC 2436—Softwood veneer and plywood.

SIC 2439—Structural wood members, not elsewhere classified.

SIC 2491—Wood preserving.

SIC 2499—Wood products, not elsewhere classified (furniture mills).

SIC 2661—Building paper and building board mills (hardboard only).

2. STEAM ELECTRIC POWER PLANTS

SIC 4911—Electric service (limited to steam-electric power plants).

3. LEATHER TANNING AND FINISHING

SIC 31—Leather and leather products.

4. IRON AND STEEL MANUFACTURING

SIC 3312—Blast furnaces (including coke ovens steel works and rolling mills).

SIC 3313—Electrometallurgical products.

SIC 3315—Steel wire drawing and steel nails and spikes.

SIC 3316—Cold rolled steel sheet, strip and bars.

SIC 3317—Steel pipe and tubes.

5. PETROLEUM REFINING

SIC 2911—Petroleum refining (including (1) topping plant; (2) topping and cracking plants; (3) topping, cracking and petroleum plants; (4) integrated plants; and (5) integrated and petrochemical plants).

6. INORGANIC CHEMICALS MANUFACTURING

SIC 2812—Alkalies and chlorine.

SIC 2813—Industrial gasses.

SIC 2816—Inorganic pigments.
SIC 2819—Industrial inorganic chemicals, not elsewhere classified.

7. TEXTILE MILLS

SIC 22—Textile mill products.
SIC 23—Apparel and other finished products made from fabrics and similar materials.

8. ORGANIC CHEMICALS MANUFACTURING

SIC 2865—Cyclic (coal tar) crudes, and cyclic intermediates, dyes, and organic pigments (lakes and toners).
SIC 2869—Industrial organic chemicals, not elsewhere classified.

9. NONFERROUS METALS MANUFACTURING

SIC 2819—Industrial inorganic chemicals, not elsewhere classified (bauxite refining only).
SIC 3331—Primary smelting and refining of copper.
SIC 3332—Primary smelting and refining of zinc.
SIC 3333—Primary smelting and refining of lead.
SIC 3334—Primary production of aluminum.
SIC 3339—Primary smelting and refining of nonferrous metals, not elsewhere classified.
SIC 3341—Secondary smelting and refining of nonferrous metals.

10. PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

SIC 2951—Paving mixtures and blocks.
SIC 2952—Asphalt felts and coatings.
SIC 3996—Linoleum asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified.

11. PAINT AND INK FORMULATION AND PRINTING

SIC 2711—Newspapers: Publishing, publishing and printing.
SIC 2721—Periodicals: Publishing, publishing and printing.
SIC 2731—Books: Publishing, publishing and printing.
SIC 2732—Book printing.
SIC 2741—Miscellaneous publishing.
SIC 2751—Commercial printing, letterpress and screen.
SIC 2752—Commercial printing, letterpress and lithographic.
SIC 2753—Engraving and plate printing.
SIC 2754—Commercial printing, gravure.
SIC 2761—Manifold business forms.
SIC 2771—Greeting card publishing.
SIC 2793—Photoengraving.
SIC 2794—Electrotyping and stereotyping.
SIC 2795—Lithographic platemaking and related services.
SIC 2851—Paints, varnishes, lacquers, enamels, and allied products.
SIC 2993—Printing ink.
SIC 3951—Pens, mechanical pencils, and parts and stamp pads (inked materials only).
SIC 3952—Lead pencils, crayons, and artists' materials.
SIC 3955—Carbon paper and inked ribbons.

12. SOAP AND DETERGENT MANUFACTURING

SIC 2841—Soap and other detergents, except specialty cleaners.

13. AUTO AND OTHER LAUNDRIES

SIC 7211—Power laundries, family and commercial.
SIC 7213—Linen supply.

SIC 7214—Diaper service.
SIC 7215—Coin-operated laundries and dry cleaning.
SIC 7216—Dry cleaning plants, except rug cleaning.
SIC 7217—Carpet and upholstery cleaning.
SIC 7218—Industrial Laundries.
SIC 7219—Laundry and garment services, not elsewhere classified.
SIC None—Auto wash establishments.

14. PLASTIC AND SYNTHETIC MATERIALS MANUFACTURING

SIC 282—Plastic materials and synthetic resins, synthetic and other manmade fibers, except glass.

15. PULP AND PAPERBOARD MILLS AND CONVERTED PAPER PRODUCTS

SIC 2611—Pulp Mills.
SIC 2621—Paper mills, except building paper mills.
SIC 2631—Paperboard mills.
SIC 2641—Paper coating and glazing.
SIC 2642—Envelopes.
SIC 2643—Bags, except textile bags.
SIC 2645—Die-cut paper and paperboard and cardboard.
SIC 2646—Pressed and molded pulp goods.
SIC 2647—Sanitary paper products.
SIC 2648—Stationery, tablets, and related products.
SIC 2649—Converted paper and paperboard products, not elsewhere classified.
SIC 2651—Folding paperboard boxes.
SIC 2652—Set-up paperboard boxes.
SIC 2653—Corrugated and solid fiber boxes.
SIC 2654—Sanitary food containers.
SIC 2655—Fiber cans, tubes, drums, and similar products.
SIC 2661—Building paper and building board mills.
SIC 2782—Blankbooks, looseleaf binders and devices.

16. RUBBER PROCESSING

SIC 2822—Synthetic rubber (vulcanizable elastomers).
SIC 2891—Rubber cement.
SIC 3011—Tires and inner tubes.
SIC 3021—Rubber and plastics footwear (rubber only).
SIC 3031—Reclaimed rubber.
SIC 3041—Rubber and plastics hose and belting (rubber only).
SIC 3069—Fabricated rubber products, not elsewhere classified.
SIC 3293—Gaskets, packing, and sealing devices (rubber packing only).

17. MISCELLANEOUS CHEMICALS

SIC 2831—Biological products.
SIC 2833—Medicinal chemicals and botanical products.
SIC 2834—Pharmaceutical preparations.
SIC 2861—Gum and wood chemicals.
SIC 2879—Pesticides and agricultural chemicals, not elsewhere classified.
SIC 2891—Adhesive and sealants.
SIC 2892—Explosives.
SIC 2895—Carbon black.
SIC 2899—Chemicals and chemical preparation, not elsewhere classified.
SIC 3861—Photographic equipment and supplies.

18. MACHINERY AND MECHANICAL PRODUCTS MANUFACTURING

SIC 3021—Rubber and plastics footwear (balance).
SIC 3041—Rubber and Plastics hose and belting (balance).

SIC 3079—Miscellaneous plastics products.
SIC 3293—Gaskets, packing, and sealing devices (balance).
SIC 3321—Gray iron foundries.
SIC 3322—Malleable iron foundries.
SIC 3324—Steel investment foundries.
SIC 3325—Steel foundries, not elsewhere classified.
SIC 3351—Rolling, drawing, and extruding of copper.
SIC 3353—Aluminum sheet, plate, and foil.
SIC 3354—Aluminum extruded products.
SIC 3355—Aluminum rolling and drawing, not elsewhere classified.
SIC 3356—Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum.
SIC 3357—Drawing and insulating of nonferrous wire.
SIC 3361—Aluminum foundries (castings).
SIC 3362—Brass, bronze, copper, copper base alloy foundries (castings).
SIC 3369—Nonferrous foundries (castings), not elsewhere classified.
SIC 3398—Metal heat treating.
SIC 3399—Primary metal products, not elsewhere classified.
SIC 3411—Metal cans.
SIC 3412—Metal shipping barrels, drums, kegs, and pails.
SIC 3421—Cutlery.
SIC 3423—Hand and edge tools, except machine tools and hand saws.
SIC 3425—Hand saws and saw blades.
SIC 3429—Hardware, not elsewhere classified.
SIC 3431—Enameled iron and metal sanitary ware.
SIC 3432—Plumbing fixture fittings and trim (brass goods).
SIC 3433—Heating equipment, except electric and warm air furnaces.
SIC 3441—Fabricated structural metal.
SIC 3442—Metal doors, sash, frames, molding, and trim.
SIC 3443—Fabricated platework (boiler shops).
SIC 3444—Sheet metal work.
SIC 3446—Architectural and ornamental metal work.
SIC 3448—Prefabricated metal buildings and components.
SIC 3449—Miscellaneous metal work.
SIC 3451—Screw machine products.
SIC 3452—Bolts, nuts, screws, rivets, and washers.
SIC 3462—Iron and steel forgings.
SIC 3463—Nonferrous forgings.
SIC 3465—Automotive stampings.
SIC 3466—Crowns and closures.
SIC 3469—Metal stampings, not elsewhere classified.
SIC 3482—Small arms ammunition.
SIC 3483—Ammunition, except for small arms, not elsewhere classified.
SIC 3484—Small arms.
SIC 3489—Ordinance and accessories, not elsewhere classified.
SIC 3493—Steel springs, except wire.
SIC 3494—Valves and pipe fittings, except plumbers' brass goods.
SIC 3495—Wire springs.
SIC 3486—Miscellaneous fabricated wire products.
SIC 3497—Metal foil and leaf.
SIC 3498—Fabricated pipe and fabricated pipe fittings.
SIC 3499—Fabricated metal products, not elsewhere classified.
SIC 3511—Steam, gas, and hydraulic turbines and turbine generator set units.
SIC 3519—Internal combustion engines, not elsewhere classified.

SIC 3523—Farm machinery and equipment.
 SIC 3524—Garden tractors and lawn and garden equipment.
 SIC 3531—Construction machinery and equipment.
 SIC 3532—Mining machinery and equipment, except oil field machinery and equipment.
 SIC 3533—Oil field machinery and equipment.
 SIC 3534—Elevators and moving stairways.
 SIC 3535—Conveyors and conveying equipment.
 SIC 3536—Hoists, industrial cranes, and monorail systems.
 SIC 3537—Industrial trucks, tractors, trailers, and stackers.
 SIC 3541—Machine tools, metal cutting types.
 SIC 3542—Machine tools, metal forming types.
 SIC 3544—Special dies and tools, die sets, jigs and fixture and industrial molds.
 SIC 3545—Machine tool accessories and measuring devices.
 SIC 3546—Power driven hand tools.
 SIC 3547—Rolling mill machinery and equipment.
 SIC 3549—Metal working machinery, not elsewhere classified.
 SIC 3551—Food products machinery.
 SIC 3552—Textile machinery.
 SIC 3553—Woodworking machinery.
 SIC 3554—Paper industries machinery.
 SIC 3555—Printing trades machinery and equipment.
 SIC 3559—Special industry machinery, not elsewhere classified.
 SIC 3561—Pumps and pumping equipment.
 SIC 3562—Ball and roller bearings.
 SIC 3563—Air and gas compressors.
 SIC 3564—Blowers and exhaust and ventilation fans.
 SIC 3565—Industrial patterns.
 SIC 3566—Speed changes, industrial high speed drives, and gears.
 SIC 3567—Industrial process furnaces and ovens.
 SIC 3568—Mechanical power transmission equipment, not elsewhere classified.
 SIC 3569—General industrial machinery and equipment, not elsewhere classified.
 SIC 3572—Typewriters.
 SIC 3573—Electronic computing equipment.
 SIC 3574—Calculating and accounting machines, except electronic computing equipment.
 SIC 3576—Scales and balances, except laboratory.
 SIC 3579—Office machines, not elsewhere classified.
 SIC 3581—Automatic merchandising machines.
 SIC 3582—Commercial laundry, dry cleaning and pressing machines.
 SIC 3585—Air conditioning and warm air heating equipment and commercial and industrial refrigeration equipment.
 SIC 3586—Measuring and dispensing pumps.
 SIC 3589—Service industry machines, not elsewhere classified.
 SIC 3592—Carburetors, pistons, piston rings, and valves.
 SIC 3599—Machinery, except electrical, not elsewhere classified.
 SIC 3612—Power distribution, and specialty transformers.
 SIC 3613—Switchgear and switchboard apparatus.
 SIC 3621—Motors and generators.
 SIC 3622—Industrial controls.
 SIC 3623—Welding apparatus, electric.
 SIC 3624—Carbon and graphite products.
 SIC 3629—Electrical industrial apparatus, not elsewhere classified.
 SIC 3631—Household cooking equipment.

SIC 3632—Household refrigerators and home and farm freezers.
 SIC 3633—Household laundry equipment.
 SIC 3634—Electric housewares and fans.
 SIC 3635—Household vacuum cleaners.
 SIC 3639—Household appliances, not elsewhere classified.
 SIC 3641—Electric lamps.
 SIC 3643—Current-carrying wiring devices.
 SIC 3644—Noncurrent-carrying wiring devices.
 SIC 3645—Residential electric lighting fixtures.
 SIC 3646—Commercial, industrial, and institutional electric lighting fixtures.
 SIC 3647—Vehicular lighting equipment.
 SIC 3648—Lighting equipment, not elsewhere classified.
 SIC 3651—Radio and television receiving sets, except communication types.
 SIC 3652—Phonograph records and prerecorded magnetic tape.
 SIC 3661—Telephone and telegraph apparatus.
 SIC 3662—Radio and television transmitting, signaling, and detection equipment and apparatus.
 SIC 3671—Radio and television receiving type electron tubes, except cathode ray.
 SIC 3672—Cathode ray television picture tubes.
 SIC 3673—Transmitting, industrial, and special purpose electron tubes.
 SIC 3674—Semiconductors and related devices.
 SIC 3675—Electronic capacitors.
 SIC 3676—Resistors, for electronic applications.
 SIC 3677—Electronic coils, transformers, and other inductors.
 SIC 3678—Connectors, for electronic applications.
 SIC 3679—Electronic components, not elsewhere classified.
 SIC 3691—Storage batteries.
 SIC 3692—Primary batteries, dry and wet.
 SIC 3693—Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus.
 SIC 3694—Electrical equipment for internal combustion engines.
 SIC 3699—Electrical machinery, equipment, and supplies, not elsewhere classified.
 SIC 3711—Motor vehicles and passenger car bodies.
 SIC 3713—Truck and bus bodies.
 SIC 3714—Motor vehicle parts and accessories.
 SIC 3715—Truck trailers.
 SIC 3721—Aircraft.
 SIC 3724—Aircraft engine and engine parts.
 SIC 3728—Aircraft part and auxiliary equipment, not elsewhere classified.
 SIC 3731—Ship building and repairing.
 SIC 3732—Boat building and repairing.
 SIC 3743—Railroad equipment.
 SIC 3751—Motorcycles, bicycles, and parts.
 SIC 3761—Guided missiles and space vehicles.
 SIC 3764—Guided missile and space vehicle propulsion units and propulsion unit parts.
 SIC 3769—Guided missile and space vehicle parts and auxiliary equipment, not elsewhere classified.
 SIC 3792—Travel trailers and campers.
 SIC 3795—Tank and tank components.
 SIC 3799—Transportation equipment, not elsewhere classified.
 SIC 3811—Engineering, laboratory, scientific, and research instruments and associated equipment.
 SIC 3822—Automatic controls for regulating residential and commercial environments and appliances.

SIC 3823—Industrial instruments for measurement, display, and control of process variables; and related products.
 SIC 3824—Totalizing fluid meters and counting devices.
 SIC 3825—Instruments for measuring and testing of electricity and electrical signals.
 SIC 3829—Measuring and controlling devices, not elsewhere classified.
 SIC 3832—Optical instruments and lenses.
 SIC 3841—Surgical and medical instruments and apparatus.
 SIC 3842—Orthopedic, prosthetic, and surgical appliances and supplies.
 SIC 3843—Dental equipment and supplies.
 SIC 3851—Ophthalmic goods.
 SIC 3873—Watches, clocks, clock-work operated devices and parts.
 SIC 3911—Jewelry, precious metal.
 SIC 3914—Silverware, plated ware, and stainless steel ware.
 SIC 3915—Jeweler's findings and materials, and lapidary work.
 SIC 3931—Musical instruments.
 SIC 3942—Dolls.
 SIC 3944—Games, toys, and children's vehicles; except dolls and bicycles.
 SIC 3949—Sporting and athletic goods, not elsewhere classified.
 SIC 3951—Pens, mechanical pencils, and parts (balance).
 SIC 3961—Costume jewelry and costume novelties, except precious metal.
 SIC 3991—Brooms and brushes.
 SIC 3993—Signs and advertising displays.
 SIC 3995—Burial caskets.

19. ELECTROPLATING

SIC 347—Coating, engraving, and allied services.

20. ORE MINING AND DRESSING

SIC 1011—Iron Ores.
 SIC 1021—Copper ores.
 SIC 1031—Lead and zinc ores.
 SIC 1041—Gold ores.
 SIC 1044—Silver ores.
 SIC 1051—Bauxite and other aluminum ores.
 SIC 1061—Ferroalloy ores, except vanadium.
 SIC 1092—Mercury ores.
 SIC 1094—Uranium-radium-vanadium ores.
 SIC 1099—Metal ores, not elsewhere classified.

21. COAL MINING

SIC 1111—Anthracite.
 SIC 1112—Anthracite mining services.
 SIC 1211—Bituminous coal and lignite.
 SIC 1213—Bituminous coal and lignite mining services.

5. Section 125.26 is amended by adding a new paragraph (d) as follows:

§ 125.26 Special categories of permits.

* * * * *

(d) Requirements under section 307(a)(2) of the Act.

In issuing permits under this Part, the Regional Administrator shall comply with the provisions of 40 CFR § 124.46.

(Secs. 301(b)(2), 304(i), 307(a), 402(b), 402(d), 501(a), Pub. L. 92-500 86 Stat. 816, as amended by Pub. L. 95-217, 91 Stat. 217 (33 U.S.C. 1251 et seq.).)

[FR Doc. 78-14294 Filed 5-22-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 124]

[FRL 887-3]

NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM

Proposed Rule

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA is proposing to revise final regulations published today. The final regulations facilitate compliance with the treatment deadlines for toxic pollutants under the Clean Water Act, by requiring permit modification or reissuance when new effluent guidelines covering those pollutants are promulgated or approved by EPA. However, these final regulations raise the question of how compliance will, in fact, be ensured when: (1) Permits are issued which do not expressly require achievement of future treatment deadlines, and (2) permit modification or revocation to incorporate such requirements is not triggered (e.g., where, for various reasons, new guidelines covering toxic pollutants are not or do not become available). In this document, EPA proposes to answer this question, indicating that permits may reflect a continuation of 1977 treatment requirements under the Act only if set to expire no later than 18 months from the scheduled date of effluent guideline promulgation (i.e., 1980-81). Permits set to expire after that time must provide for compliance with 1984 treatment requirements.

DATES: All comments received on or before June 22, 1978, will be considered.

ADDRESSES: Interested persons may participate in this proposed rulemaking by submitting comments to Mr. Edward A. Kramer, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. A copy of all public comments will be available for inspection and copying at EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION
CONTACT:

Edward A. Kramer (EN-336), Office of Water Enforcement, Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: On January 6, 1978, EPA published a proposed rule revising EPA's regula-

tions governing the NPDES programs (43 FR 1256). One of the stated purposes of this revision was to conform the regulations to the requirements of the Consent Decree in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976). Specifically, the proposed regulations required that permits issued in 21 industrial categories be reissued or modified, through the use of a "reopener clause," to assure the prompt application of effluent guidelines and standards covering toxic pollutants. With minor modification, final regulations reflecting this requirement (40 CFR 124.46) are being published today. However, comments on the proposed rule questioning the operation of the reopener clause have led to this proposal to supplement the final rule.

In a June 20, 1977, memorandum of Administrator Costle, EPA required EPA Regional offices and encouraged NPDES States to issue short-term permits to dischargers in the 21 industrial categories. These permits were to expire shortly after applicable "best available technology economically achievable" (BAT) effluent guidelines are scheduled to be promulgated under the Consent Decree; they were to reflect the continuation of the conditions in the expiring permit, making any necessary adjustments, and were also to contain the reopener clause. Under this approach, new permits would be issued to reflect BAT limitations after the promulgation of the effluent guidelines and upon the expiration of the short term permits.

Although EPA has not required NPDES States to follow the short term permit approach, they must nevertheless assure compliance with the statutory deadlines in the Clean Water Act. NPDES States can fulfill this obligation either (1) through the issuance of short term permits (with the reopener clause) reflecting a continuation of existing permit conditions, or (2) through the issuance of long term permits (with the reopener clause) which require compliance with the statutory deadlines for the achievement of "best conventional pollutant control technology" (BCT) and BAT (including BAT for toxic pollutants).

NPDES States cannot fulfill this obligation through the issuance of long term permits which incorporate the reopener clause but which do not go beyond existing permit conditions toward compliance with BCT and BAT. Unlike short term permits—which will be reissued in 1980-81 to reflect compliance with BCT and BAT in the event that the reopener clause is not triggered—long term permits reflecting existing permit conditions cannot ensure compliance with statutory deadlines in the event that effluent guidelines for toxic pollutants under sections 301(b)(2) and (C) and

(D) are not or do not become available. In that case, the permit would not automatically be subject to modification. At the same time, it would not incorporate conditions designed to result in compliance with BCT and non-toxic BAT requirements. Such permits are clearly outside the guidelines and requirements of the Act, even absent these regulations, and are therefore subject to EPA objections under section 402(d) and 40 CFR 124.48.

For the purposes of the proposed regulation, short term permits are those with expiration dates no later than 18 months after the scheduled dates for effluent guideline promulgation under the Consent Decree, whereas long term permits are those set to expire after that time. The 18 month period was selected to aid EPA Regional offices and NPDES States in their permit issuance efforts, since 18 months will provide a reasonable time for permit reissuance once effluent guidelines are promulgated or approved, taking into account the possibility of minor delays in scheduled promulgation dates.

The proposed regulations formally establish the short term and long term options described above for the issuance of NPDES permits in the 21 industrial categories. Nevertheless, it remains EPA's position that the issuance of short term permits is the preferred option absent exceptional circumstances, due to the costly and time-consuming nature of case-by-case BCT and BAT determinations where effluent guidelines are not available.

Interested persons may participate in this proposed rulemaking by submitting comments or suggestions to Mr. Edward A. Kramer, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person submitting a comment should include his or her name and address and give reasons for any recommendations. A copy of all public comments will be available for inspection and copying at EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

NOTE.—The Environmental Protection Agency has determined that this document does not constitute a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: May 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

Support E—Terms and Conditions of NPDES Permits

Sec. 124.46 Requirements under section 307(a)(2) of the act.

Appendix D—Point source categories and permit expiration dates.

Subpart E—Terms and Conditions of NPDES Permits

1. Section 124.46 is proposed to be amended by adding a new paragraph (c) as follows:

§ 124.46 Requirements under section 307(a)(2) of the act.

(c) No permit issued to a discharger within an industrial category listed in Appendix D of this part, prior to the applicable date listed in appendix D, may be extended beyond that date, unless:

(1) Effluent limitations and standards applicable to the discharger have been promulgated or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of the Act; or

(2) The permit incorporates:

(i) The "reopener clause" required by paragraph (a) of this section;

(ii) Effluent limitations and a compliance schedule to meet the requirements of sections 301(b)(2)(A)-(F) of the Act; and

(iii) Any other terms and conditions necessary to carry out the provisions of the Act.

[Comments: (1) NPDES States are urged to issue permits expiring on or before the dates listed in appendix D. This approach is the simplest means of ensuring that all appropriate provisions of the Act, including time deadlines, are met. Even if the procedure authorized in paragraph (c)(2) is followed, dischargers must clearly understand that they will be required to meet all applicable requirements of the Act, including compliance with EPA effluent guidelines defining "best conventional pollutant control technology" (BCT) and "best available technology economically achievable" (BAT) by the statutory deadlines.

(2) A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under paragraph (c) is not conclusive as to the discharger's inclusion in that industrial category, and does not prejudice any rights to challenge or change that inclusion at the time that effluent standards and limitations are determined to be applicable.]

2. Appendix D of this Part is proposed to be amended as follows:

APPENDIX D—POINT SOURCE CATEGORIES AND PERMIT EXPIRATION DATES

Timber Products Processing (Permit Expiration Date: September 30, 1980).

2. Steam Electric Power Plants (Permit Expiration Date: September 30, 1980).

3. Leather Tanning and Finishing (Permit Expiration Date: September 30, 1980).

4. Iron and Steel Manufacturing (Permit Expiration Date: September 30, 1980).

5. Petroleum Refining (Permit Expiration Date: September 30, 1980).

6. Inorganic Chemicals Manufacturing (Permit Expiration Date: March 31, 1981).

7. Textile Mills (Permit Expiration Date: March 31, 1981).

8. Organic Chemicals Manufacturing (Permit Expiration Date: March 31, 1981).

9. Nonferrous Metals Manufacturing (Permit Expiration Date: December 31, 1980).

10. Paving and Roofing Materials (TAR AND ASPHALT) (Permit Expiration Date: December 31, 1980).

11. Paint and Ink Formulation and Printing (Permit Expiration Date: December 31, 1980).

12. Soap and Detergent Manufacturing (Permit Expiration Date: June 30, 1981).

13. Auto and Other Laundries (Permit Expiration Date: June 30, 1981).

14. Plastic and Synthetic Materials Manufacturing (Permit Expiration Date: March 31, 1981).

15. Pulp and Paperboard Mills and Converted Paper Products (Permit Expiration Date: March 31, 1981).

16. Rubber Processing (Permit Expiration Date: March 31, 1981).

17. Miscellaneous Chemicals (Permit Expiration Date: June 30, 1981).

18. Machinery and Mechanical Products Manufacturing (Permit Expiration Date: June 30, 1981).

19. Electroplating (Permit Expiration Date: June 30, 1981).

20. Ore Mining and Dressing (Permit Expiration Date: December 31, 1980).

21. Coal Mining (Permit Expiration Date: December 31, 1980).

(Secs. 301(b)(a), 304(i), 307(a), 402(b), 501(a), Pub. L. 92-500, 86 Stat. 816, as amended by Pub. L. 95-217, 91 Stat. 217, (33 USC 1251 et seq.))

[FR Doc. 78-14295 Filed 5-22-78; 8:45 am]

PROPERTY AND FINANCIAL STATEMENT

The following is a statement of the property and financial condition of the company as of the end of the year 1900.

The property of the company is divided into two classes, fixed and circulating. The fixed property consists of land, buildings, and machinery. The circulating property consists of cash, accounts receivable, and inventory. The financial statement shows the company's assets, liabilities, and net worth as of the end of the year 1900.

Item	Value
Land	100.00
Buildings	50.00
Machinery	20.00
Cash	10.00
Accounts Receivable	5.00
Inventory	3.00
Liabilities	10.00
Net Worth	178.00

The above statement is true and correct to the best of my knowledge and belief.

Signature
Date

Witnessed and attested to before me this 1st day of January, 1901.

Notary Public for the State of New York

My Commission Expires on the 1st day of January, 1902.

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