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highlights

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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
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	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.

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rules and regulations

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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Deputy Assistant Secretary for Domestic Economic Policy Coordination is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(b)(3) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(b) *Office of the Assistant Secretary for Policy.* * * *

(3) One Special Assistant to the Deputy Assistant Secretary for Domestic Economic Policy Coordination.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-2347 Filed 1-26-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Section 213.3106(b)(7) of Schedule A is revoked as all positions under cryptologic intelligence activities are no longer excepted. A new authority showing the kinds of positions under cryptologic intelligence activities which are now excepted is added.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3106(b)(7) is revoked and 5 CFR 213.3106(d)(2) is added.

§ 213.3106 Department of Defense.

* * * * *

(b) *Entire Department* * * *

(7) [Revoked]

* * * * *

(d) *General.* * * *

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programing, and management of intelligence resources.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-2348 Filed 1-26-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Staff Assistant to the Assistant Secretary for Congressional Relations is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3304(c)(6) is added as set out below:

§ 213.3304 Department of State.

* * * * *

(c) *Office of the Assistant Secretary for Congressional Relations.* * * *

(6) One Staff Assistant to the Assistant Secretary.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-2346 Filed 1-26-78; 8:45 am]

[3410-02]

Title 7—Agriculture

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

[Lemon Reg. 130]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 29-February 4, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing

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

The committee met on January 24, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier on 115's and larger, steady on 140's and 165's.

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

§ 910.430 Lemon regulation 130.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period January 29, 1978, through February 4, 1978, is established at 200,000 cartons.

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

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

Dated: January 25, 1978.

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

[FR Doc. 78-2511 Filed 1-26-78; 8:45 am]

[3410-07]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER S—PERSONNEL

[FmHA Instructions 409.1 and 2045-JJ]

PART 1815—RURAL DEVELOPMENT—UTILIZATION OF GRATUITOUS SERVICES

PART 2045—GENERAL

Subpart JJ—Rural Development—Utilization of Gratuitous Services

Redesignation—Revision

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This rule redesignates FmHA regulations concerning voluntary and gratuitous services as part of a general reorganization of Farmers Home Administration (FmHA) regulations. This redesignation is intended to provide clarity and uniformity in FmHA codification.

DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Bourne, telephone 202-447-2783.

SUPPLEMENTARY INFORMATION: The FmHA is establishing under Chapter XVIII, Title 7, a new Subchapter S, "Personnel"—Part 2045, "General," in the Code of Federal Regulations. Subchapter JJ, "Rural Development—Utilization of Gratuitous Services," (§§ 2045.1751-2045.1800) of this new Part 2045 is, transferred, and redesignated from Part 1815 of this Chapter XVIII. Overall, this rule sets forth the FmHA program's objective of full cooperation with appropriate agencies of any State, territory or political subdivision concerning voluntary and gratuitous services. Also added to the regulation in this publication, as Exhibit A, is the "Agreement For Utilization of Employees by Farmers Home Administration." The use of this document is required under this regulation. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This rule, however, is not published for proposed rulemaking since the purpose of the redesignation is administration in nature, being a part of a general reorganization of FmHA regulations and, therefore, public procedure thereon is unnecessary.

Accordingly, 7 CFR Chapter XVIII is amended as follows:

1. Part 1815—Rural Development—Utilization of Gratuitous Services §§ 1815.1-1815.6 [Removed].

2. FmHA hereby promulgates new Subchapter S, Part 2045, Subpart JJ, to Chapter XVIII, and adds §§ 2045.1751 through 2045.1800 under 7 CFR as set forth below:

Subpart JJ—Rural Development—Utilization of Gratuitous Services

Sec.
2045.1751 General
2045.1752 Policy
2045.1753 Authority to Accept Gratuitous Services
2045.1754 Scope of Gratuitous Services Performed
2045.1755 Preparation and Disposition of Agreement Forms
2045.1756 Records and Reports
2045.1757-2045.1800 [Reserved]

EXHIBIT A—Agreement—For Utilization of Employees of (———) by the Farmers Home Administration.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

PART 2045—GENERAL

Subpart JJ—Rural Development—Utilization of Gratuitous Services

§ 2045.1751 General.

Section 331(b) of the Consolidated Farm and Rural Development Act (Pub. L. 92-419), and section 506(a) of the Housing Act of 1949, empower the Secretary of Agriculture to accept and utilize voluntary and uncompensated services in carrying out the provisions of the above cited Acts. The Secretary has delegated those authorities to the Administrator of the Farmers Home Administration (FmHA) in 7 CFR 2.70 (a) (1) and (2).

§ 2045.1752 Policy.

Voluntary and uncompensated (gratuitous) services may be accepted with the consent of the agency concerned, from the following sources under the conditions set forth in Exhibit A, "Agreement for Utilization of Employee of (*Enter Official Title of Governing Body or Other Authorized Organization*) By the Farmers Home Administration" (Agreement Form).

(a) Any agency of State government or of any territory or political subdivision.

(b) Non-profit, educational, and charitable organizations, provided that no partisan, political, or profit motive is involved either explicitly or implicitly.

§ 2045.1753 Authority to accept gratuitous services.

(a) State Directors, Director, Personnel Division, and Director, Finance Office, are hereby authorized to accept and utilize gratuitous services offered by the governmental agencies listed in § 2045.1752(a).

(b) An offer received by an FmHA State or County Office from a source

listed in § 2045.1752(b) shall be transmitted to the National Office, Attention: Director, Personnel Division, for decision. The offer will be accompanied by copies of the Articles of Incorporation and By-laws (if the organization is incorporated), a statement that the organization accepts the conditions set forth in the Agreement Form, and evidence that the organization is financially able to meet the required fiscal obligations of the agreement.

§ 2045.1754 Scope of gratuitous services performed.

(a) Gratuitous services accepted in accordance with this Subpart may be utilized to perform any function performed by regular FmHA employees (excluding Committee members). Such services must not result in the displacement of employees. Most of the gratuitous services should be performed at the County Office level and conform to a standard FmHA position description. A nonstandard position description may be developed and used, depending on current agency needs in a particular office and gratuitous skills available.

(b) Orientation and other training will be provided by FmHA so that gratuitous services may be performed in accordance with current FmHA procedure.

(c) Persons performing authorized gratuitous services will be held to the same standard as regular FmHA employees performing similar duties. The issuance of, and accountability for, identification cards and clearance of employee accountability will be as prescribed in FmHA Instruction 2024-B which is available in all FmHA Offices. Such persons, except Construction Inspectors may, when under direct supervision of County Supervisors, act as Collection Officers and be allowed to use receipt books in accordance with FmHA Instructions 2024-C and 451.2 (Part 1862 of this Chapter and other applicable regulations available in all FmHA Offices).

§ 2045.1755 Preparation and disposition of agreement forms.

(a) Agreements to accept and utilize gratuitous services *MUST BE IDENTICAL* to the attached Exhibit A (Agreement Form) with such exceptions as may be authorized by the Office of the General Counsel, Department of Agriculture.

(b) Two copies of each signed Agreement Form will be forwarded to the Personnel Division. One copy will be retained in the State or Finance Office.

§ 2045.1756 Records and reports.

The FmHA official signing the Agreement Form will maintain records to show the names, duty assignments, time worked and work locations of all persons performing gratuitous services. Copies of time reports submitted to the persons' employers should suffice. These records will be necessary to respond to occasional requests for reports on the acceptance and utilization of gratuitous services in the FmHA.

§ 2045.1757-2045.1800 [Reserved]

AGREEMENT

FOR UTILIZATION OF EMPLOYEES OF (OFFICIAL TITLE OF GOVERNING BODY OR OTHER AUTHORIZED ORGANIZATION, I.E., PICKENS COUNTY, ALA., BOARD OF COMMISSIONERS)

BY THE FARMERS HOME ADMINISTRATION

1. This Agreement, dated———between————————, a (political subdivision), (educational), (charitable), (or nonprofit) an organization of the State of————(here- inafter called the Agency) and the United States of America acting through Farmers Home Administration, U.S. Department of Agriculture (hereinafter called the Administration) is entered into for the purpose of permitting certain employees of the Agency (hereinafter called the Agency employees) to assist in the Administration's effort to provide agricultural, housing and other assistance for rural people of the State of————in accordance with Section 331(b) of the Consolidated Farm and Rural Development Act and Section 506(a), Title V of the Housing Act of 1949.

2. The Administration certifies that it is empowered by the current Federal laws cited above, and related rules and regulations, to accept personnel assistance from the Agency as provided in paragraphs 4 and 5 below; and that the work assigned to Agency employees will be useful, in the public interest, could not otherwise be provided, and will not result in the displacement of employed workers.

3. The Agency certifies that it has the authority under the laws of the State of————to enter into this Agreement and to provide the services agreed upon in the manner provided for.

4. The Administration hereby supplies the Agency with a narrative description which is made a part of this Agreement as Attachment "A," explicitly setting forth the duties, knowledge, skills, and abilities to be required of Agency employees.

5. The Administration agrees to:

(a) Provide training for and responsible supervision of qualified and acceptable Agency employees in accordance with Attachment "A."

(b) Provide work within the State of————for qualified and acceptable Agency employees for periods not to exceed eight hours per day and 40 hours per week.

(c) Provide the office space, tools, equipment, and supplies to be used by Agency employees in performing work for the Administration.

(d) Report to the Agency, as required, the time worked by and work accomplishments of Agency employees.

(e) Consult with the Agency, as necessary, on situations involving delinquency, misconduct, neglect of work, and apparent conflicts of interest of Agency employees.

(f) Reimburse Agency employees for proper and reasonable travel and per diem expenses incurred in performing official duties for the Administration, in accordance with Administration travel regulations.

(g) Consider Agency employees to be Federal employees for the purposes of the Federal Employees Compensation Act (5 U.S.C. 8101) and of the Federal Tort Claims Act (28 U.S.C. 2671-2680).

6. The Agency agrees to:

(a) Not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, marital status, physical handicap, or national origin. The Agency will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, marital status, physical handicap, or national origin. Such action shall include, but not be limited to, the following Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Agency will post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(b) Obtain fingerprints, police records, and work qualifications checks on potential assignees, and divulge the results to the Administration or permit the Administration to obtain this information.

(c) Assign only Agency employees who are acceptable to the Administration in terms of meeting the same ability and suitability standards which are applied to Federal employment.

(d) Pay all salaries and other expenses of Agency employees and comply with Federal, State, and local minimum wage statutes. No monies will be paid by the Administration under this agreement, either to the Agency or its employees.

(e) Consider any Tort claims by third parties under applicable laws and regulations.

(f) Reassign or terminate the assignment of Agency employees upon request of the Administration.

7. The Agency and the Administration mutually understand and agree that the reasons for determining that an Agency employee is unacceptable or unsuitable for initial or continued assignment to Administration work may include but shall not be limited to the following:

(a) Practicing or appearing to practice discrimination for reasons of race, color, religion, sex, age, marital status, physical handicap, or national origin.

(b) Being or becoming involved in real or apparent conflicts of interest, such as, engaging directly or indirectly in business transactions with Administration applicants or borrowers, or using or appearing to use the Administration work assignment for private gain.

(c) Engaging in or having engaged in criminal, dishonest, or immoral conduct, or conducting himself in a manner which might embarrass or cause criticism of the Administration.

(d) Being absent from duty without authorization.

(e) Engaging in partisan political activity prohibited to Federal employees doing similar work.

(f) Lack of work.

(g) Inability of the employee to perform the duties of the assignment.

8. The term of this Agreement shall commence on the date thereof. It shall end on————————, unless extended by mutual agreement, or unless terminated earlier by at least thirty (30) days advanced written notice by either party to the other.

(9) The Agency and the Administration respectively certify, each for itself, that its officer signing this Agreement is duly authorized thereto.

(Enter Official Title of Agency, i.e., City Council, Modesto, Calif.)

BY
Chairman, City Council,
Modesto, Calif.
FARMERS HOME
ADMINISTRATION
BY
FmHA State Director for ( )

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

Dated: January 17, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-2356 Filed 1-26-78; 8:45 am]

[3410-07]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instructions 444.4 and 444.6]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Puerto Rico and Virgin Islands Included in Certain Definitions

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to include Puerto Rico and the Virgin Islands in the definitions of "Domestic farm labor", "Broad based nonprofit organization", and "Nonprofit organization of farmworkers". The change is necessary in order for the regulations to conform to the Housing and Rural Development Act of 1977. The effect of the change is to allow a greater number of people to benefit from the labor housing assistance provided.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, 202-447-7207.

SUPPLEMENTARY INFORMATION: §§ 1822.63 and 1822.203 of Part 1822, Title 7, Code of Federal Regulations are amended. The current definition of "Domestic farm labor" in the existing regulations excludes laborers on farms in Puerto Rico and the Virgin Islands and their families. The change will permit FmHA to make labor housing loans and grants in Puerto Rico and the Virgin Islands and to provide housing for these families. Puerto Rico and the Virgin Islands are also incorporated into the definitions of "Broad based nonprofit organization", and "Nonprofit organization of farmworkers." The definition of "Household furnishings" was inadvertently omitted from the prior publication, and is included with this amendment.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to expand the labor housing program to comply with the Housing and Rural Development Act of 1977, and any delay would be contrary to the public interest in that assistance would be withheld from persons eligible under the law.

Accordingly §§ 1822.63 and 1822.203 are amended and read as follows: 1. As amended, § 1822.63 reads as follows:

§ 1822.63 Definitions.

As used in this subpart: (a) "Domestic farm labor" means persons who receive a substantial portion of their income as laborers on farms in the United States, Puerto Rico, or the Virgin Islands and either (1) are citizens of the United States, or (2) reside in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence, and may include the families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while they are in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced. Domestic farm labor also includes persons working in aquaculture operations as defined in Subpart C of Part 1904 of this chapter.

(b) "Housing" means existing structures or new structures which are or will be suitable for decent, safe, and sanitary dwelling use by domestic farm labor. "Housing" may include "related facilities" where appropriate.

(c) "Household furnishings" consists of such basic durable items as stoves, refrigerators, tables, chairs, dressers, and beds. Items such as bedding, linens, dishes, silverware, and cooking utensils are not included in this definition.

(d) "Related facilities" includes community rooms or buildings, cafeterias, dining halls, infirmaries, child care facilities, assembly halls, and other essential service facilities, such as central heating, sewerage, lighting systems, bathing facilities, and a safe domestic water supply. All related facilities must be reasonably necessary for proper use of the housing as dwellings for the domestic farm labor occupants.

(e) "Individual farmowner" means the "owner" of a "farm" as those terms are defined in Subpart A of this part.

(f) "Organization" means an association of farmers, a State or political sub-division, or a public or private nonprofit organization.

(g) "Association of farmers" means a group of farmers acting as a single legal entity, or whose members each is an individual devoting a substantial part of his time to personal participation in the conduct of farming operations. Though an association of farmers is not required to be a nonprofit organization, its operation of the housing must be on a nonprofit basis.

(h) "Broad-based nonprofit organization" means an organization which (1) is incorporated with in the State, Puerto Rico, or the Virgin Islands, (2) which for a project with a total development cost of $100,000 or less, has at least 25 members who reflect a variety of interests in the community where the housing will be located, (3) is organized and operated on a nonprofit basis, (4) is legally precluded from distributing any profits or dividends to its members before dissolution, (5) is not grower oriented, and (6) pledges to administer the housing as a community service in the interest of the whole community. The minimum number of members should be increased for larger projects.

(i) "Nonprofit organization of farmworkers" means a nonprofit organization which is incorporated within the State, Puerto Rico, or the Virgin Islands, has local representation in the membership and in the board of directors, and whose members are individuals who receive a substantial portion of their income from farm work.

(j) "Construct or repair" means to construct new structures or facilities, or to acquire, relocate, or improve existing structures or facilities, but does not include the acquisition of land.

(k) "Members" and "membership" include stockholders and stock where appropriate.

(l) "Board" and "directors" include the governing body and members of the governing body of an organization.

(m) "Note" may include bond or other form of obligation.

(n) "Mortgage" may include any appropriate form of security instrument.

(o) "County Supervisor" and "State Director" means the authorized officials of the Farmers Home Administration for the area in which the housing site is located.

* * * * *

2. As amended, § 1822.203 reads as follows:

§ 1822.203 Definitions.

As used in this subpart: (a) "Domestic farm labor" means persons who re-

ceive a substantial portion of their income as laborers on farms in the United States, Puerto Rico, or the Virgin Islands and either (1) are citizens of the United States, or (2) reside in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence, and may include the families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while they are in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced. Domestic farm larborers also includes persons working in aquaculture operations as defined in Subpart C of Part 1904 of this chapter.

(b) "Housing" means existing structures or new structures which are or will be suitable for decent, safe, and sanitary dwelling use by domestic farm labor at rentals within the payment ability of families of low income. "Housing" may also include "related facilities" where appropriate.

(c) "Household furnishings" consists of such basic durable items as stoves, refrigerators, tables, chairs, dressers, and beds. Items such as bedding, linens, dishes, silverware, and cooking utensils are not included in this definition.

(d) "Related facilities" include community rooms or buildings, cafeterias, dining halls, infirmaries, child care facilities assembly halls, and other essential service facilities, such as central heating, sewerage, lighting systems, bathing facilities, and a safe domestic water supply. All related facilities must be reasonably necessary for proper use of the housing as dwellings for the domestic farm labor occupants.

(e) "Organization" means a State agency, or political subdivision, or an agency of State or local government such as a public housing authority.

(f) "Broad-based nonprofit organization" means an organization which (1) is incorporated within the State, Puerto Rico, or the Virgin Islands, (2) which for a project with a total development cost of $100,000 or less, has at least 25 members who reflect a variety of interests in the community where the housing will be located, (3) is organized and operated on a nonprofit basis, (4) is legally precluded from distributing any profits or dividends to its members before dissolution, (5) is not grower oriented, and (6) pledges to administer the housing as a community service in the interest of the whole community. The minimum number of members should be increased for larger projects.

(g) "Nonprofit organization of farmworkers" means a nonprofit organization incorporated within the State, Puerto Rico, or the Virgin Islands which has local representation in the membership and whose members are individuals who receive a substantial portion of their income from farm work.

(h) "Construct or repair" means to construct new structures or facilities, or to acquire, relocate, or improve existing structures or facilities.

(i) "Development cost" means the cash cost of constructing, purchasing, improving, altering, or repairing new or existing housing and related facilities, and purchasing and improving the necessary land, including necessary architectural, legal, and other appropriate technical and professional fees and charges.

(j) "Board" and "directors" include the governing body and members of the governing body of an organization.

(k) "Applicant" means the applicant for or the recipient of an LH grant.

* * * * *

AUTHORITIES: Delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-95.

Dated: January 17, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-2355 Filed 1-26-78; 8:45 am]

[3410-07]

SUBCHAPTER H—GENERAL

[FmHA Instruction 1901-N]

PART 1901—PROGRAM RELATED INSTRUCTIONS

Subpart N—Indian Outreach Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule with comments requested.

SUMMARY: The Farmers Home Administration (FmHA) establishes new regulations pertaining to making FmHA loans and grants more accessible to American Indians. The purpose of this rule is to be more responsive to the needs of the American Indian and to establish uniform procedure in carrying out the FmHA Indian Outreach Program.

DATES: Effective date: January 27, 1978. Comments must be received on or before February 27, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen T. Murray, 202-447-5597.

SUPPLEMENTARY INFORMATION: The FmHA amends its regulations by adding a new Subpart N to Part 1901, Chapter XVIII, Title 7, Code of Federal Regulations. Subpart N, "Indian Outreach Program," (§§ 1901.651-1901.700) of this Part 1901 implements the Agency's loan program to Indian Tribes and Tribal Corporation by establishing procedures and responsibilities to insure full participation in this new outreach program. The appointment of State Coordinators to work closely with local, district, State and National Office representatives to remove obstacles and to solve problems that impede the use of FmHA programs on Indian reservations will provide an increased production level of FmHA loans and grants to American Indians both on and off reservations.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of this program is to promote the availability of FmHA benefits for those Indian communities and reservations needing financial assistance, and the amendments themselves are of a procedural nature. The FmHA, however, is interested in receiving comments at the address given above. Accordingly, new Subpart N of Part 1901 is set forth below:

Subpart N—Indian Outreach Program

Sec.
1901.651 Purpose.
1901.652 Goals.
1901.653 Field action.
1901.654 FmHA publications.
1901.655 Reports.
1901.656-1901.670 [Reserved]

Subpart N—Indian Outreach Program

§ 1901.651 Purpose.

The purpose of this Subpart is to establish procedures and responsibilities for carrying out the Farmers Home Administration (FmHA) American Indian Outreach Program.

§ 1901.652 Goals.

The FmHA American Indian Outreach Program is a concerted effort to: (a) Make all FmHA programs more ac-

cessible and available to Indians living on and off reservations.

(b) Surface and attempt to correct problems and obstacles that prevent the participation by eligible Indians and Indian tribes in FmHA programs.

(c) Increase the production level of FmHA loans and grants going to American Indians both on and off reservations.

(d) Provide pamphlets, publications and information on FmHA programs to individual Indians, Indian tribes and Tribal leaders, Bureau of Indian Affairs (BIA) personnel, and other interested groups and individuals.

§ 1901.653 Field action.

State Coordinators of Indian activities appointed by State Directors will:

(a) Maintain close liaison with local FmHA supervisors and officials serving Indian populations and reservations;

(b) Work closely with local District, State, and National Office representatives to remove obstacles and solve problems that impede the use of FmHA programs on Indian reservations;

(c) Be familiar with all FmHA loan and grant programs available to Indians living on and off reservations, including the types of security and eligibility requirements;

(d) Be aware of any unique relationship that may exist between Indians and the Federal and State governments affecting Indian participation in the FmHA loan and grant programs;

(e) As necessary, attend pertinent meeting of Indian groups, government agencies, and others concerned with the economic and social development of Indians;

(f) If possible, become personally acquainted with Indian leaders and non-Indian leaders in Indian affairs in the State;

(g) Arrange for the training of members of Indian tribes, individuals, and interested groups involved in Indian affairs, in the packaging and distribution of materials for use in FmHA loan and grant programs.

§ 1901.654 FmHA publications.

FmHA publications, such as "Rural Credit for American Indians," a handbook of FmHA programs, and "FmHA Credit for American Indians," or other materials to be developed, will be used as supplementary training and informational aids for Indian communities, individuals, governmental agencies, and other groups involved in Indian affairs.

§ 1901.655 Reports.

(a) State Directors will keep the National Office advised of any problems and obstacles in FmHA's procedures relating to Indian laws or customs that cannot be resolved locally and which prevent American Indians from participating in the FmHA programs on or off the reservations.

(b) Any changes in personnel serving as State Coordinator of Indian activities will be reported to the National Office.

(c) Each State Director will make a semi-annual memorandum report on January 1 and July 1 of each year on activities and accomplishments in his State. The report will specifically reflect what has been done to carry out the items set forth in § 1901.653. The report will be sent to the National Office, Attention, Coordinator of Indian Activities.

§ 1901.656–1901.700 [Reserved]

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764 33 FR 9850.)

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

Dated: January 7, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-2357 Filed 1-26-78; 8:45 am]

[3410-07]

SUBCHAPTER K—PROPERTY MANAGEMENT

[FmHA Instruction 1955-C]

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart C—Disposal of Acquired Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises various sections of its regulations to initiate use of a new form for reporting the sale of inventory property; to clarify that the interest rates and terms herein apply in the sale of Consolidated Farm and Rural Development Act (CONACT) property and to assure that the proper State Official determines rates, terms and qualified bids in the sale of surplus property; to incorporate affirmative fair housing marketing plan requirements; to assure that credit sales may be made to above-moderate income Rural Housing applicants; and to set forth the use of funds in certain closing situations. These changes are intended to facilitate the proper disposal of acquired properties.

EFFECTIVE DATES: January 27, 1978. Comments must be received on or before February 27, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration; U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. R. M. Yates, 202-447-3752.

SUPPLEMENTARY INFORMATION: Section 1955.116 (a) and (b); § 1955.117 (a), (b), (d), and (e); § 1955.118 (c), (e), and (f) of Subpart C of Part 1955 of Title 7, Code of Federal Regulations (41 FR 32698, as amended at 42 FR 38383) are revised. The major revision are as follows:

1. In § 1955.116, paragraph (a)(2)(v)(C) is added to initiate a new Form FmHA 465-6A, "Advice of Mortgaged Real Estate Sold," to be completed by FmHA County Supervisors; paragraphs (b)(1), (b)(3)(i)(B), (b)(4)(iii) and (b)(4)(iv) of this section reflect editorial changes.

2. In § 1955.117, paragraphs (a), (b), (d), and (e) are amended as follows:

a. Paragraph (a)(1) is revised and new paragraphs (a)(1)(i) and (a)(2)(iii) are added to reflect FmHA's Affirmative Fair Housing Marketing Plan referenced in the FEDERAL REGISTER document published at 42 FR 45894 and 45895, dated September 13, 1977. The present paragraph (a)(1)(i) (A) through (G) are revised and redesignated (a)(1)(ii) (A) through (G); paragraphs (a)(1)(ii) and (a)(1)(iii) are redesignated (a)(1) and (iii) and (a)(1)(iv), respectively.

b. Paragraphs (b)(1) and (d)(4) are revised to reflect the fact that Rural Housing applicants with above-moderate income are eligible for credit sales; paragraphs (d)(6) and (e)(4) through (e)(7) are revised to utilize new Form FmHA 465-6A in reporting sales of inventory property, and to correct reference to the promissory note.

3. In § 1955.118, paragraphs (c)(3), (e)(2), and (f) are revised to clarify the situations in which the uniform fee or commission set by the State Director in the sale of inventory property will not be due the real estate brokers and the priority in which earnest money collected by a broker will be used.

It is the policy of this Department that rules related to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the changes is to facilitate the sale of acquired property

regulations with other Agency regulations, and any delay would be contrary to public interest. The Agency is, however, interested in receiving public comments. Such comments may be sent to the address given in the "address" section of the Preamble.

Accordingly, §§ 1955.116, 1955.117, and 1955.118 as amended, read as follows:

(1) Section 1955.116 is amended as follows:

(a) By adding paragraph (a)(2)(v)(C):

(b) By revising paragraphs (b)(1), (b)(3)(i)(B); (b)(4)(iii) and (b)(4)(iv), as set forth below:

§ 1955.116 Sale of real estate that was acquired pursuant to the Consolidated Farm and Rural Development Act (CONACT).

* * * * *

(a) *Sale of suitable property.* * * *

(2) * * *

(v) * * *

(C) When the transaction is closed, the County Supervisor will send the original and one copy of Form FmHA 465-6A, "Advice of Mortgaged Real Estate Sold," to the Finance Office and a copy to the State Director.

(b) *Sale of surplus property.* * * *

(1) *Rates and terms for surplus property.* Such property will be offered for cash or terms of not less than a 5 percent downpayment with the remaining balance amortized over a period not to exceed 25 years. The interest rate for housing property sold under the CONACT will be the current Section 515 RRH rate plus ½ percent; for Business and Industry Property, the interest rate will be the established insured Business and Industry rate for profit corporations plus ½ percent. The interest rate for all other surplus property will be the current operating loan rate plus ½ percent. The State Director will determine the rates and terms for surplus property within these limitations and will include the determined rates and terms in all advertisements and announcements. If, after extensive sales efforts, the State Director is unable to conclude a sale of surplus property, he may request the Administrator to grant more favorable rates and terms, which rates and terms in any event must require a downpayment and may not be more favorable than those legally permissible for eligible borrowers. The policy of the Government is that surplus property shall be offered for sale for cash or terms that will provide the best net return to the Government. In no case, however, may the terms be longer than the period for which the property will serve as adequate security.

* * * * *

(3) *Method of Sale.* * * *

(i) * * *

(B) *Successful bids.* If the State Director or designated State staff member determines that the highest qualified bid represents the best price obtainable, the bid will be accepted by signing Form FmHA 465-10. The State Director will give this executed form to the successful bidder or his representative. If the bidder or his representative is not present at the bid opening, the form will be sent by certified mail, return receipt requested, to the bidder. The State Director will send the deposit of the successful bidder to the Finance Office with the name and case number of the former borrower and the inventory advice number so the deposit can be processed.

* * * * *

(4) *Processing.* * * *

* * * * *

(iii) *Farm property.* Upon acceptance of the bid or offer by the State Director, the County Supervisor will provide the escrow agent, designated attorney, or title insurance company the necessary information and instructions for closing the sale. The State Director will execute and acknowledge the Quitclaim Deed. Deed execution may not be redelegated. When the transaction is closed, the County Supervisor will send the original and copy of Form FmHA 465-6A to the Finance Office and a copy to the State Director.

(iv) *Organization property.* Upon acceptance of the bid or offer, the State Director will forward the original Form FmHA 465-10, the names and legal description to be placed in the deed, the amount and terms of the note and mortgage, and other pertinent material to OGC requesting that they provide the appropriate legal instruments and instructions for closing the transaction. The State Director will execute and acknowledge the Quitclaim Deed. Deed execution may not be redelegated. When the transaction is closed, the County Supervisor will send the original and copy of Form FmHA 465-6A to the Finance Office and a copy to the State Director.

* * * * *

(2) Section 1955.117 is amended as follows:

(a) By revising paragraph (a)(1); by adding paragraph (a)(1)(i); by revising and redesignating the current paragraphs (a)(1)(i) (A) through (G) to (a)(1)(ii) (A) through (G); by redesignating without change, the current paragraphs (a)(1)(ii) and (a)(1)(iii) to (a)(1)(iii) and (a)(1)(iv), respectively; and by adding paragraph (a)(2)(iii).

(b) By revising paragraph (b)(1); by revising paragraphs (d)(4), (d)(6), and (d)(6)(i); by revising paragraph (e)(4); by adding a new paragraph (e)(5) and redesignating the current paragraph (e)(5) to (e)(6); by revising and redesignating the current paragraph (e)(6) to (e)(7); and by deleting the present paragraph (e)(7). These changes are set forth below:

§ 1955.117 Sale of real estate that secured Rural Housing (RH) loans.

* * * * *

(a) *Method of sale.* * * *

(1) *Sale by FmHA employees.* If a prospective purchaser eligible to buy acquired property is not available, the County Supervisor will post notices and signs to adequately inform interested parties that the property is for sale. The property also may be advertised in the newspaper or other media having general distribution in the marketing area when the State Director determines that such advertisement will assist in the sale of acquired properties. See FmHA Instruction 2024-F available in any FmHA Office.

(i) In accordance with § 1901.203(c) of this Chapter, FmHA affirmative action, the County Supervisor will make a special effort to reach those prospective buyers in the marketing area who traditionally would not be expected to apply for such housing because of existing racial or socio-economic patterns.

(ii) The advertisement or notice for printed media will be in display type but not legal notice style, can include pictures of property, and will contain sufficient information to readily identify the property including:

(A) A brief description of each property, its location, and conveniences,

(B) Terms of the sale,

(C) Time the property may be inspected by prospective buyers,

(D) Place where additional information can be obtained,

(E) A statement that the Government reserves the right to reject any or all offers,

(F) Nondiscrimination statement, and

(G) Flood Plain statement.

(iii) The State Director, with the advice and approval of OGC, will develop a standard form of advertisement and notice to be used in the State.

(iv) The County Supervisor, if unable to sell acquired property, may submit a detailed report to the State Director documenting his efforts to sell the property and requesting authority to offer the property for sale by real estate brokers.

(2) *Sale by real estate brokers.*

* * * * *

(iii) The broker listing acquired housing properties on a term basis or

who agrees to list five or more acquired properties on an individual listing basis within a calendar year must submit Form HUD 935.2, "Affirmative Fair Housing Marketing Plan," or be signatory to a voluntary affirmative marketing agreement approved by FmHA. A signed copy of the approved marketing agreement will be attached to the original Form FmHA 1955-C-2, "Non-exclusive Real Property Master Listing Agreement," and retained in the County Office file.

(b) *Sale of suitable property.* * * *

(1) All housing properties of two units or less will be offered only to eligible applicants (including above moderate income section 502) for the first 15 days after they are offered for sale.

* * * * *

(d) *Processing sale to eligible applicants.* * * *

* * * * *

(4) The current interest rate for the type of loan being made will apply (low or moderate, above-moderate RH, RRH, etc.)

* * * * *

(6) Loan closing and title clearance for a credit sale and any subsequent or additional loan closed simultaneously with the credit sale will be the same as for an initial loan except.

(i) The property will be coneyed by a Quitclaim Deed. The State Director, with the assistance of OGC, will develop a Quitclaim Deed. Deed execution by the State Director may not be redelegated. When the transaction is closed, the County Supervisor will send the original and copy of Form FmHA 465-6A to the Finance Office and a copy to the State Director.

* * * * *

(e) *Processing sale to ineligible applicants.* * * *

* * * * *

(4) For loans to individuals and all RH borrowers, Form FmHA 440-16 will be used. The Quitclaim Deed will be executed and acknowledged by the State Director. Deed execution may not be redelegated. The County Supervisor will provide the escrow agent, designated attorney, or the title insurance company the necessary information and instructions for closing the sale. The assistance of OGC may be requested to provide closing instructions in exceptional or complex cases.

(5) For loans to organizations, except RH, Form FmHA 440-22, will be used. Closing instructions for organization loans will be requested from OGC.

(6) Payments will be made by cash, cashier's check, certified check, postal or bank money order, bank draft, or purchaser's check. Such payments will be handled in accordance with Part 1862 of this Chapter (FmHA Instruction 451.2).

(7) After the transaction is closed, the County Supervisor will send the original and one copy of form FmHA 465-6A to the Finance Office and a copy to the State Director.

3. Section 1955.118 is amended by revising paragraphs (c)(3), (e)(2) and (f), as set forth below:

§ 1955.118 Selection and use of real estate brokers.

* * * * *

(c) *Listing agreements.* * * *

* * * * *

(3) A uniform fee or commission will be established by the State Director within a given sales area and will not exceed commissions paid for similar types of services provided by the broker to other sellers of real property. In effect, FmHA provides the services of a listing broker and in most cases, the loan financing.

(e) *Conditions for sale by real estate brokers.* * * *

* * * * *

(2) The real estate broker's commission will be that established pursuant to paragraph (c)(3) of this section and will be paid from proceeds of the sale if sufficient funds are available. Otherwise, Standard Form 1034 or other approved voucher will be processed to pay such commission. The cost will be charged to the appropriate insurance fund as a nonrecoverable cost. The broker's commission will not be paid until the transaction is closed. No commission or fee will be due or payable if the property is purchased by the broker, his or her salesperson(s), relatives (spouse, brother, sister, parents, and children), or affiliates.

* * * * *

(f) *Processing offers obtained by real estate brokers.* Such offers will be accepted or rejected in the order received in the County Office. Offers will be reviewed for compliance with price, repayment ability of buyer, and terms of sale if credit is involved. The first acceptable offer received will be accepted regardless of whether a higher offer is received later. Earnest money collected from a broker will be used in the following priority: (1) To pay closing cost, (2) to pay broker's commission, and (3) to be transmitted to Finance Office.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO 29 FR 14764, 33 FR 9850.)

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

Dated: January 10, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-2353 Filed 1-26-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Area Quarantined

AGENCY: Animal and Plant Health Inspection, USDA.

ACTION: Final rule.

SUMMARY: These amendments quarantine the Commonwealth of Puerto Rico because of the existence of vectors of splenetic or tick fever. This action is deemed necessary to prevent the spread of the disease.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Glen O. Schubert, Chief Staff Veterinarian, Bacterial and Parasitic Diseases, Sheep, Goat, Equine, and Ectoparasites Staff, Room 737, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: These amendments quarantine the Commonwealth of Puerto Rico because of the existence of cattle fever ticks which are vectors of splenetic or tick fever. This action is deemed necessary to prevent the spread of the disease. The restrictions pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will apply to the quarantined area.

Accordingly, §§ 72.2 and 72.3 of Part 72, Title 9, Code of Federal Regulations, as amended, which quarantined portions of the State of Texas, the Virgin Islands of the United States, and the Island of Guam because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, or because of the existence of

vectors of said disease, are hereby amended in the following respects:

1. In § 72.2 the section heading and the text are amended to read:

§ 72.2 Splenetic or tick fever in cattle in Texas, the Virgin Islands of the United States, and vectors of said disease in the Commonwealth of Puerto Rico and the Island of Guam: Restrictions on movement of cattle.

Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and the Virgin Islands of the United States. Notice is also hereby given that ticks which are vectors of said disease exist in the Commonwealth of Puerto Rico and the Island of Guam. Therefore, portions of the State of Texas, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, and the Island of Guam are hereby quarantined as provided in §§ 72.3 and 72.5, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

2. In § 72.3, the section heading and the text are amended to read:

§ 72.3 Areas quarantined in the Virgin Islands of the United States, the Commonwealth of Puerto Rico, and the Island of Guam.

The entire territories of the Virgin Islands of the United States, the Commonwealth of Puerto Rico and the Island of Guam are quarantined.

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

The amendments impose certain further restrictions necessary to prevent the interstate spead of Texas (splenetic) or tick fever in cattle, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Wasington, D.C., this 20th day of January 1978.

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

R. I. BROWN,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-2284 Filed 1-26-78; 8:45 am]

[3410-34]

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

PART 101—DEFINITIONS

Miscellaneous Amendments

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

ACTION: Final rule.

SUMMARY: This amendment defines two terms which are used in the testing of biological products and which are found in the regulations issued under the Virus-Serum-Toxin Act. Correct interpretation of the meaning of a regulation is difficult when terms used in the regulation are not well defined. The purpose of this amendment is to clarify the meaning of two such terms by defining them in the regulations.

EFFECTIVE DATE: This amendment becomes effective January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, Md. 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION: Some terms which apply to the evaluation of biological products are defined in Part 101 of the regulations issued under the Virus-Serum-Toxin Act. These definitions permit the individuals responsible for conducting evaluation tests to make accurate and uniform interpretations of the results.

The term "healthy" is used in the regulations to describe an animal that is suitable to be used in a test. This amendment includes a definition of this term. This amendment also includes a definition of the term "unfavorable reaction" which is used when referring to a change in the health of a test animal subsequent to initiating an evaluation test. Such change would be determined by the individual responsible for conducting the test and would occur during a time period specified in the test protocol. The cause of such change would be attributed to either the product being tested or to unrelated factors and the test results evaluated accordingly.

Section 101.5 is amended by adding two new paragraphs to read:

§ 101.5 Testing terminology.

* * * * *

(m) *Healthy.* Apparently normal in all vital functions and free of signs of disease.

(n) *Unfavorable reactions.* Overt adverse changes which occur in healthy test animals subsequent to initiation of a test and manifested during the observation period prescribed in the test protocol which are attributable either to the biological product being tested or to factors unrelated to such product as determined by the responsible individual conducting the test.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

This amendment makes administrative changes to provide a definition for each of two terms used in the regulations without making substantive changes in the regulations. In order for them to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of January 1978.

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

R. I. BROWN,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-2100 Filed 1-26-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 15]

PART 120—BUSINESS LOAN POLICY

Eligibility of Cable TV and Radio and Television Broadcasters for Financial Assistance

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA hereby amends its loan policy regulation that has hither-

to barred financial assistance to radio and television broadcasters and limited assistance to cable TV operators. Financial assistance will be made available to otherwise eligible small business concerns engaged in, or seeking to enter, the fields of broadcasting or the operation of cable TV systems.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur E. Armstrong, Director, Office of Financing, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, phone 202-653-6574.

SUPPLEMENTARY INFORMATION: On November 10, 1977, SBA published in the FEDERAL REGISTER notice of proposed rulemaking that would allow financial assistance to facilitate the acquisition of a radio, television, or cable TV facility. See 42 FR 58538. On November 25, 1977 (42 FR 60159) this notice was clarified by publication of a supplementary notice.

By the present amendment, SBA is extending to concerns presently or prospectively engaged in these industries eligibility for financial assistance under its existing business loan program. Generally speaking, SBA financial assistance will be available to qualified applicants for the same purposes that financial assistance is available to qualified applicants in other industries "to enable small-business concerns to finance plant construction, conversion, or expansion * * * or to finance the acquisition of equipment, facilities, machinery, supplies, or materials; or to supply such concerns with working capital * * *." Section 7(a) of the Small Business Act. That section, however, conditions extension of a business loan on a reasonable assurance of repayment. No such assurance exists unless the applicant has obtained all necessary official approvals for construction, expansion, modernization, or transfer of a broadcasting of cable TV facility. Accordingly, no financial assistance may be disbursed by SBA or by any participating lender until all necessary permits have been obtained.

Numerous comments were received in response to the Notice of Proposed Rulemaking. The following explanations should answer those comments which are not reflected in the final regulation.

1. LIMITATIONS ON AMOUNT OF SBA ASSISTANCE

SBA is aware that the amount of financial assistance that it can extend to any one applicant may not be adequate in the context of the broadcasting or cable TV industries. It should be noted that two or more otherwise eligible broadcasters may apply for an SBA "pool loan" pursuant to section 7(a)(5) of the Small Business Act, if they form a group corporation which would serve their separate individual needs with a common facility. See 13 CFR § 122.9.

2. ISSUANCE OF "COMMITMENT LETTERS"

SBA recognizes that the owners of a broadcasting or cable TV operation may be unwilling to enter into serious negotiation with a prospective transferee unless it can demonstrate the necessary financial resources. So also, the Federal Communications Commission (FCC) or the cable TV franchising authority may inquire into the financial viability of a prospective operator. To meet this need for evidence of the availability of financing, SBA has been requested to issue letters of commitment.

While recognizing the problem, SBA does not believe that it requires SBA to issue letters of commitment, which it does not do at present. SBA's present form of loan authorization should meet the need for evidence of favorable action on an application for financial assistance. See 13 CFR 122.19.

3. CONTROL OF PROGRAM CONTENT

As the regulation states, SBA has no intention of attempting to influence, in any way, the content of any borrower's program or program schedule; and program content will not be grounds for accelerating the maturity of any loan. SBA has no intention of operating any broadcasting station or cable TV system after default but SBA reserves it creditor right relating to collateral.

4. COMPETING APPLICATIONS

SBA will process applications for financial assistance from two or more applicants competing against each other for the same license or franchise. The FCC will decide which applicant is best qualified to serve the public interest.

5. FINANCIAL ASSISTANCE TO OTHER OPINION MOLDERS

The premise underlying SBA's general policy of denying financial assistance to "opinion molders" is set forth in 13 CFR 120, 2(d)(4), which is quoted hereafter. The rationale for the exception created today in favor of broadcasters and cable TV operators is that these industries are already subject to Government regulation. In the case of broadcasters, the regulation is by the FCC; in the case of cable TV operators, regulation is by local franchising authorities operating under FCC guidelines. Participants in these industries are subject to "equal time" and "fairness" rules and each participant holds its license or franchise only so long as it operates in the public interest. No such restrictions apply to other opinion molders such as publishers and producers of "audio-visual materials".

6. RESTRICTION OF ASSISTANCE TO "DISADVANTAGED" APPLICANTS

Although the regulation adopted today is expected to further the entrepreneurial participation in the broadcasting and cable TV industries of individuals whose participation in the free enterprise system is hampered by social or economic disadvantages, the furtherance of that policy does not require that SBA financial assistance be limited to enterprises owned by such individuals. SBA would not be obliged to deny an application solely on the ground that it has already made a certain number of loans to applicants in the same industry. Each application for financial assistance will be considered on its own merits.

Pursuant to the authority of section 5 of the Small Business Act, as amended, 15 U.S.C. 634, Part 120 of Title 13, CFR, is amended, in the manner set forth below:

1. Section 120.2(d)(4) is revised as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) Financial assistance will not be granted by SBA:

* * * * *

(4) If the applicant is engaged in the creation, origination, expression, dissemination, propagation, or distribution of ideas, values, thoughts, opinions or similar intellectual property, regardless of medium, form, or content. Financial assistance to such applicants is barred in order to avoid Government interference, or the appearance thereof, with the constitutionally protected freedoms of speech and press: *Provided, however,* That nothing herein shall preclude financial assistance to any otherwise eligible applicant engaged in one or more of the following activities: * * *

2. Paragraph (d)(4)(v) of § 120.2 is replaced by a new paragraph (d)(4)(v) as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(d) * * *
(4) * * *
(v) *Broadcasting and cable TV:*

Operators of commercial broadcasting (radio and television) stations and cable TV systems under the regulatory jurisdiction of the Federal Communications Commission (FCC) or a cable TV franchise granted in conformity with FCC standards, are eligible to receive SBA financial assistance. Appli-

cations for SBA financial assistance may be filed by concerns that have not received the necessary official approvals to acquire, construct, or operate broadcasting stations or cable TV systems, but no financial assistance may be disbursed by SBA or by any participating lender until all necessary official approvals have been obtained. In determining whether financial assistance will be extended to any applicant, no consideration will be given to the applicant's present or proposed program schedule, or to the content of any particular program; but SBA reserves the right to exercise all the rights and remedies afforded a creditor under the laws of the United States and of any jurisdiction in which a debtor may operate. While SBA believes that the extension of financial assistance to enterprises described in this paragraph will be particularly helpful to enterprises owned by socially or economically disadvantaged members of minority groups, the availability of financial assistance from SBA is not limited to enterprises owned by such persons.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.012)

Dated: January 19, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-2323 Filed 1-26-78; 8:45 am]

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR-126, Amdt. 68]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Expansion of Delegation of Authority to the Director, Bureau of Operating Rights

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule expands the authority delegated by the Board to the Director, Bureau of Operating Rights, to act, when such action is in accordance with established Board precedent, on applications by persons for relief, pursuant to section 101(3) of the Act, in order to hold out, arrange and coordinate the operation of air ambulance flights as indirect air carriers. This delegation is at the initiative of the Board, and will expedite decision on this type of application and relieve unnecessary administrative burdens.

DATES: Effective: January 24, 1978. Adopted: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

John V. Coleman, Chief, Supplementary Services Division, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5088.

SUPPLEMENTARY INFORMATION: From time to time the Board receives applications from persons requesting relief from the Act, under section 101(3), in order to engage in the operation of air ambulance flights as indirect air carriers. There are now well-established Board precedents in this area. In the vast majority of such cases, disposition of the applications involves no significant policy issues or other matters requiring the Board's consideration, and could be handled by the staff. We are, therefore, delegating to the Director, Bureau of Operating Rights, the authority to grant or deny applications for relief, filed under section 101(3) of the Act, to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers.

Since this amendment is administrative in nature, affecting a rule of agency organization and procedure, the Board finds that notice and public procedures are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board amends Part 385 of its Organization Regulations to add a new paragraph (nn) to § 385.13, to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(nn) Grant or deny, in accordance with established Board precedent, applications for relief, filed under section 101(3) of the Act, to hold out, arrange, and coordinate the operation of air ambulance flights as indirect air carriers.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-2368 Filed 1-26-78; 8:45 am]

[1505-01]

Title 20—Employee Benefits

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

[Regulation No. 4]

PART 404—FEDERAL OLD AGE, SURVIVORS, AND DISABILITY INSURANCE (1950 ——)

Deleting Out-of-Date Regulations

Correction

In FR Doc. 77-37004 appearing on page 64886 in the issue of Thursday, December 29, 1977, on page 64887, in the middle column, § 404.606(a), the 12th line, the 2nd word should read, "Secretary".

In the 3rd column, the section heading for § 404.607 should read as follows:

§ 404.607 Filing of application for monthly benefits after first month for which individual may become entitled to such benefits.

On page 64888, in § 404.1003(c)(2)(i)(c), the 2nd line, "expected" should read, "excepted".

On page 64889, in § 404.1027 [Amended], the 3rd line, the 1st word should read, "and".

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Biometric and Epidemiological Methodology Advisory Committee; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Pursuant to § 14.55(b) (21 CFR Part 14.55(b)) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Biometric and Epidemiological Methodology Advisory Committee by the Secretary, Department of Health, Education, and Welfare on December 23, 1977. This action is taken because the purposes for which this committee was established are to be accomplished through alternative measures.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Depart-

ment of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: The committee's functions were to review and evaluate scientific studies and data with respect to, and otherwise advise the Commissioner on, epidemiological and biometrical methodology.

The purposes for which this committee was established are to be accomplished through alternative measures and on December 23, 1977, the committee was terminated.

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), Part 14 is amended in § 14.100 *List of standing advisory committees* by deleting paragraph (c)(4) and marking it reserved.

Effective date. Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, January 27, 1978.

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

Dated: January 19, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2199 Filed 1-26-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE—DENTAL DRUG PRODUCTS ADVISORY COMMITTEE; TERMINATION

AGENCY: Food and Drug Administration.

ACTION: Rule.

SUMMARY: Pursuant to § 14.55(b) (21 CFR Part 14.55(b)) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Dental Drug Products Advisory Committee by the Secretary, Department of Health, Education, and Welfare on December 23, 1977. This action is taken because the purposes for which this committee was established are to be accomplished through alternative measures.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: The committee's functions were to review and evaluate available data concerning safety and effectiveness of marketed and investigated prescription drugs for use in the practice of dentistry.

The purposes for which this committee was established are to be accomplished through alternative measures and on December 23, 1977, the committee was terminated.

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), Part 14 is amended in § 14.100. *List of standing advisory committees* by deleting paragraph (c)(7) and marking it reserved.

Effective date. Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, January 27, 1978.

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

Dated: January 19, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2200 Filed 1-26-78; 8:45 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76N-0140]

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS SAFE

Rue

AGENCY: Food and Drug Administration.

ACTION: Final rule.

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

EFFECTIVE DATE: This regulation shall be effective February 27, 1978.

ADDRESS: Written objections may be sent to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of December 7, 1976 (41 FR 53622), a proposal was published to affirm that rue is generally recognized as safe for use as a direct human food ingredient with specific limitations. The proposal was based on safety information developed for oil of rue, the major constituent of rue, that published as part of a final order on December 7, 1976 (41 FR 53620). This action is in accord with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), relating to the affirmation of GRAS food ingredients, copies of the scientific litrature review on oil of rue, a report of the teratology screening tests for the ingredient and the report of the Select Committee are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

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

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

No comments were received in response to the Commissioner's proposal and supporting data and information on rue. The Commissioner therefore concludes that no change in the proposal to affirm the GRAS status of rue is warranted. Accordingly, it is being promulgated without change.

Therefore, under the Federal food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 182 and 184 are amended as follows:

§ 182.10 [Amended]

1. In Part 182, § 182.10 *Spices and other natural seasonings and flavorings* is amended by deleting the entry for "Rue".

2. In Part 184 by adding new § 184.1698 to read as follows:

§ 184.1698 Rue.

(a) Rue is the perennial herb of several species of *Ruta* (*Ruta montana* L., *Ruta graveolens* L., *Ruta bracteosa* L., and *Ruta calepensis* L.). The leaves, buds, and stems from the top of the plant are gathered, dried, and then crushed in preparation for use, or left whole.

(b) The ingredient is used in all categories of food in accordance with § 184.1(b)(2) of this chapter at concentrations not to exceed 2 parts per million.

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

Effective date. This regulation is effective on February 27, 1978.

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

Dated: January 19, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2198 Filed 1-26-78; 8:45 am]

[1505-01]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0020]

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Updating and Technical Revisions

Correction

In FR Doc. 77-33332 appearing on page 59852 in the issue of Tuesday, November 22, 1977, in § 440.180a(a)(2) on page 59865, in the first line, "labeded" should read "labeled".

[1505-01]

[Docket No. 77N-0285]

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

Tetracycline Hydrochloride for Topical Solution

Correction

In FR Doc. 77-32844 appearing on page 59065 in the issue of Tuesday, November 15, 1977, on page 59066 in § 446.581c(h)(iii), the 2nd line, the 1st word should read, "[ac-]curately".

On page 59067, in § 446.581c(b)(1)(iv), the 16th line, the last word should read, "minute".

[1505-01]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

SURFACE MINING RECLAMATION AND ENFORCEMENT PROVISIONS

Final Rules; Correction

Correction

In FR Doc. 78-1430 on page 2721 appearing in the issue of Thursday, January 19, 1978, in the 3rd column, under Part 715—General Performance Standards, paragraph 10, should read as follows:

"10. On page 62686, § 715.17(e)(6)(iii), line 3 'quotient of H+35/5' is corrected to read, 'quotient of (H+35) /5.' ".

[3810-71]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER F—ISLANDS UNDER NAVY JURISDICTION

PART 763—RULES GOVERNING PUBLIC ACCESS

Entry Regulations for Kahoolawe Island, Hawaii

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: This rule sets forth regulations governing entry upon Kahoolawe Island, Hawaii. These regulations limit entry upon Kahoolawe Island to authorized persons because the island is used as a target area for bombing and gunnery practice in order to maintain and improve combat readiness of United States military forces.

EFFECTIVE DATE: January 3, 1978.

ADDRESS: Any written comment on these regulations should be sent to: Commandant, Fourteenth Naval District, Box 110, Pearl Harbor, Hawaii 96860.

FOR FURTHER INFORMATION CONTACT:

Captain Peter B. Walker, JAGC, U.S. Navy, Staff General Advocate, Commander in Chief, U.S. Pacific Fleet, FPO San Francisco 96610. Telephone number: 808-471-0624.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred by 50 U.S.C. 797, as implemented by Department of Defense Directive 5200.8 of August 20, 1954, together with the authority conferred under 5 U.S.C. 301, 10 U.S.C. 6011, as delegated in 32 CFR 700.702 and 32 CFR 700.714, the Commandant, Fourteenth Naval District, on January 3, 1978, adopted the "Entry regulations for Kahoolawe Island, Hawaii" (COMFOURTEENINST 5510.35A). Kahoolawe Island was placed under the jurisdiction of the Secretary of the Navy by Executive Order No. 10436 of February 20, 1953, to be used for naval purposes. The island is presently being used and will continue to be used as a target area for bombing and gunnery practice in order to maintain and improve combat readiness of United States Armed Forces. Further, as a result of the large amounts of unexploded ordnance present on the island and in the adjacent waters, inherently dangerous conditions exist in this area. Accordingly, these regulations limit entry upon Kahoolawe Island to authorized personnel and to those persons who have obtained advance consent pursuant to the regulations.

On January 4, 1978, the contents of these regulations were published in the FEDERAL REGISTER (43 FR 785-786) to provide the public with advance notice prior to final publication of the regulations as they will appear in the Code of Federal Regulations. Accordingly, a new Part 763 in Subchapter F of Title 32, CFR, entitled, "Rules Governing Public Access," is established, and a new Subpart A, entitled "Entry Regulations for Kahoolawe Island, Hawaii," is added to Part 763 of Title 32, CFR. Moreover, it has been determined, in accordance with 32 CFR 296 and 701.57, that publication of these regulations for public comment prior to their adoption is impracticable and unnecessary, since the nature and national importance of the operations on Kahoolawe Island, as well as the existing dangerous conditions thereon, mandate the immediate, uninterrupted effectiveness of these regulations. Interested persons, however, are invited, on a continuing basis, to comment in writing on these regulations. All written material received will be con-

sidered before taking action on any revisions or amendments to Subpart A of Part 763, 32 CFR or the regulations upon which it is based, and they may be changed in light of comments received.

Therefore, Title 32, CFR, is hereby amended by adding a new Part 763, and a Subpart A to Part 763, providing as follows:

Subpart A—Entry Regulations for Kahoolawe Island, Hawaii

Sec.
763.1 Purpose.
763.2 Definition.
763.3 Background.
763.4 Entry restrictions.
763.5 Entry procedures.
763.6 Violations.

AUTHORITY: 50 U.S.C. 797; DOD Dir. 5200.8 of August 20, 1954; 5 U.S.C. 301; 10 U.S.C. 6011, 32 CFR § 700.702; 32 CFR § 700.714; Exec. Order No. 10-436, 3 CFR, 1949-1953 Comp., p. 930, (1958).

Subpart A—Entry Regulations for Kahoolawe Island, Hawaii

§ 763.1 Purpose.

The purpose of this subpart is to promulgate regulations governing entry upon Kahoolawe Island, Hawaii.

§ 763.2 Definition.

For the purposes of this Subpart, Kahoolawe Island includes only that portion reserved for naval purposes by Executive Order No. 10436 of February 20, 1953.

§ 763.3 Background.

(a) Kahoolawe Island has been used and will continue to be used as a target area for the foreseeable future for bombing and gunnery practice in order to maintain and improve combat readiness of United States Armed Forces. It is vital to national defense that this use of Kahoolawe Island be continued without undue or unnecessary interruption. Because of the large amounts of unexploded ordnance present on the island and in adjacent waters, inherently dangerous conditions exist in these areas.

(b) For prevention of interruption of the stated use of Kahoolawe Island by any unauthorized person on the island, and prevention of injury to any such person as a consequence of the dangerous conditions which exist, as well as for other reasons, it is essential to restrict entry upon the island to authorized persons only.

§ 763.4 Entry restrictions.

Except for military personnel and civilian employees of the United States in the performance of their official duties, entry upon Kahoolawe Island or remaining upon Kahoolawe Island by any person for any purpose whatsoever without the advance consent of the Commandant, Fourteenth Naval District, or his authorized representative, is prohibited. See 18 U.S.C. 1382; the Internal Security Act of 1950, section 21 (50 U.S.C. 797); Department of Defense Directive 5200.8 of August 20, 1954; Chief of Naval Operations Instruction 5511.9A of October 1, 1954; Secretary of the Navy Instruction 5400.14 of July 30, 1974; Chief of Naval Operations Instruction 5450.190 of February 22, 1975; and Chief of Naval Operations Instruction 5400.24B of November 25, 1977.

§ 763.5 Entry procedures.

(a) Any person or group of persons desiring the advance consent of the Commandant, Fourteenth Naval District or his authorized representative shall, in writing, submit a request to the Commandant, Fourteenth Naval District at the following address:

Commandant, Fourteenth Naval District, Box 110, Pearl Harbor, Hawaii 96860.

(b) Each request for entry will be considered on an individual basis weighing the operational and training commitments of Kahoolawe Island, security, and safety with the purpose, size of party, duration of visit, destination, and military resources which would be required by the granting of the request.

§ 763.6 Violations.

(a) Any person entering or remaining on Kahoolawe Island without the advance consent of the Commandant, Fourteenth Naval District, or his authorized representative shall be subject to the penalties prescribed by 18 U.S.C. 1382, which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval . . . reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation . . . shall be fined not more than $500 or imprisoned not more than six months, or both."

(b) Moreover, any person who willfully violates this subpart is subject to a fine not to exceed $500 or imprisonment for not more than one (1) year, or both as provided in 50 U.S.C. 797.

Dated: January 20, 1978.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-2350 Filed 1-26-78; 8:45 am]

[3410-11]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 261—NATIONAL FOREST SYSTEM PROHIBITIONS

Permits for Chattooga River

AGENCY: Forest Service, Department of Agriculture.

ACTION: Final regulations.

SUMMARY: This action requires private and commercial users to obtain a permit to float the Chattooga Wild and Scenic River. Permits will include conditions of use to protect river values and provide for floater safety. Safety regulations have drastically reduced the high number of fatalities occurring prior to regulations.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Forest Supervisor Donald W. Eng, Francis Marion and Sumter National Forests, 1801 Assembly Street, Second Floor, Columbia, S.C. 29201, 803-765-5222.

SUPPLEMENTARY INFORMATION: On May 27, 1977, the Forest Service published an interim rule (42 FR 27244) with a proposed amendment to Subpart C of 36 CFR 261.70. The proposed amendment adding new § 261.77, Prohibitions in Region 8, Southern Region, would prohibit acts or omissions within the areas of the Sumter National Forest and the Chattahoochee National Forest for the purposes of public safety and establishing reasonable rules of public conduct. Interested persons were given 90 days in which to submit written data, views, or objections regarding the interim regulations.

No written objections have been received and the interim regulations are hereby adopted without change and are set forth below.

Dated: January 16, 1978.

LAWRENCE M. WHITFIELD,
Regional Forester, Region 8, Southern Region, Forest Service, Department of Agriculture.

Subpart C of Chapter II of title 36 of the Code of Federal Regulations is amended by revising § 261.77 as follows:

§ 261.77 Prohibitions in Region 8, Southern Region.

(a) Using or occupying any area of the Sumter National Forest or the Chattahoochee National Forest abutting the Chattooga River for the purpose of entering or going upon the River in, on, or upon any floatable object or craft of every kind or de-

scription, unless authorized by permit obtained through registration at Forest Service Registration Stations abutting the Chattooga River located at Highway 28, Low-Water Bridge, Earl's Ford, Sandy Ford, Highway 76, Woodall Shoals, or Overflow Bridge or unless authorized under special use permit.

(b) Using or occupying within the scope of any commercial operation or business any area of the Sumter National Forest or the Chattahoochee National Forest abutting the Chattooga River for the purpose of entering or going upon the River in, on, or upon any floatable object or craft of every kind or description, unless authorized by special use permit.

(c) Violating or failing to comply with any of the terms or conditions of any permit authorizing the occupancy and use specified in paragraphs (a) or (b) of this section is prohibited.

(d) Entering, going, riding, or floating upon any portion or segment of the Chattooga River within the boundaries of the Chattahoochee National Forest in, on, or upon any floatable object or craft of every kind or description, unless authorized by a permit obtained through registration at Forest Service Registration Stations abutting the Chattooga River located at Highway 28, Low-Water Bridge, Earl's Ford, Sandy Ford, Highway 76, Woodall Shoals, or Overflow Bridge or unless authorized under special use permit.

(e) Entering, going, riding, or floating within the scope of any commercial operation or business upon any portion or segment of the Chattooga River within the boundaries of the Chattahoochee National Forest in, on, or upon any floatable object or craft of every kind or description unless authorized by special use permit.

(f) Violating or failing to comply with any of the terms or conditions of any permit authorizing the occupancy and use specified in paragraph (d) or (e) of this section is prohibited.

[FR Doc. 78-2367 Filed 1-26-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

CONFLICTS OF INTEREST

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This amendment is intended to make clear that the Administrator is delegating to the Director, Education and Rehabilitation Service, the power to make determinations of conflict of interest as to employees of the Veterans Administration and of the State approving agencies, but that authority to make such determinations as to officers of such groups is not delegated. This will make less confusing the rules being used. This amendment is also intended to make clear the extent of the delegation of authority by the Administrator as to determinations involving conflict of interest and the criteria to be applied in making such determinations. The Veterans Administration also makes editorial changes which reflect the agency's policy of using precise terms for gender in its regulations.

EFFECTIVE DATE: January 19, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092

SUPPLEMENTARY INFORMATION: On page 57328 of the FEDERAL REGISTER of November 2, 1977, there was published a notice of proposed regulatory development to amend Part 21 relative to authority to make determinations involving conflicts of interest.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations. One comment was received.

The person commenting suggested delaying implementation of the proposed change to §§ 21.4001 and 21.4005 until such time as these sections have been amended so as to apply also to possible conflicts of interest involving employees and officers of the Veterans Administration or the State approving agencies who are also employees or officers of nonprofit schools.

The regulations concerning conflicts of interest are based upon 38 U.S.C. 1783. This section of the United States Code is addressed only to possible conflicts of interest involving officers and employees of schools operating for profit. It does not mention conflicts of interest involving officers and employees of nonprofit schools. While the suggestion may have merit, the Veterans Administration does not have the statutory authority to make the suggested additional change.

The proposed change to §§ 21.4001 and 21.4005 is deemed proper and is hereby adopted.

Approved: January 19, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In Part 2, § 2.80 is revised to read as follows:

§ 2.80 Director, Education and Rehabilitation Service is delegated authority to waive penalties for conflicting interests as provided by § 21.4005 of this chapter.

This delegation of authority is identical to § 21.4001(c)(1) of this chapter.

2. In Part 21, § 21.4001(c)(1) is revised to read as follows:

§ 21.4001 Delegations of authority.

* * * * *

(c) Authority is delegated to the Director, Education and Rehabilitation Service, to exercise the functions required of the Administrator for: (1) Waiver of penalties for conflicting interests as provided by § 21.4005;

* * * * *

3. In § 21.4005, paragraphs (a)(1) and (2), (b), (c) and (e) are revised and paragraph (f) is added so that the revised and added material reads as follows:

§ 21.4005 Conflicting interests.

(a) *General.* (1) Every officer or employee of the Veterans Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any school operated for profit in which a veteran or eligible person was pursuing a course of education under 38 U.S.C. chs. 32, 34, 35, or 36 will be immediately dismissed from his or her office or employment.

(2) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he or she was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, a school operated for profit in which a veteran or eligible person was pursuing a course of education or training under chapters 32, 34, 35, or 36, payments under § 21.4153 to such State approving agency will be discontinued unless such agency takes, without delay, such steps as may be necessary to terminate the employment of such person and apyments will not be resumed while such person is an officer or employee of the State approving agency, or State Department of Veterans' Affairs or State Department of Education.

* * * * *

(b) *Waiver.* (1) Where a request is made for waiver of application of paragraph (a)(1) of this section, it will be

considered that no detriment will result to the United States or to veterans or eligible persons by reason of such interest or connection of such officer or employee of the Veterans Administration, if the officer or employee:

(i) Acquired his or her interest in the school by operation of law, or before the statute became applicable to the officer or employee, and his or her interest has been disposed of and his or her connection discontinued, or

(ii) Meets all of the following conditions:

(*a*) His or her position involves no policy determinations, at any administrative level, having to do with matters pertaining to payment of educational assistance allowance, or special training allowance.

(*b*) His or her position has no relationship with the processing of any veteran's or eligible person's application for education or training.

(*c*) His or her position precludes him or her from taking any adjudicative action on individual applications for education or training.

(*d*) His or her position does not require him or her to perform duties involved in the investigation of irregular actions on the part of schools or veterans or eligible persons in connection with 38 U.S.C. chs. 32, 34, 35, or 36.

(*e*) His or her position is not connected with the processing of claims by, or payments to, schools, or students enrolled therein under the provisions of 38 U.S.C. chs. 32, 34, 35, or 36.

(*f*) His or her work is not connected in any way with the inspection, approval, or supervision of schools desiring to train veterans or eligible persons.

(2) Where a request is made for waiver of application of paragraph (a) (2) of this section, it will be considered that no detriment will result to the United States or to veterans or eligible persons by reason of such interest or connection of such officer or employee of a State approving agency, if the officer or employee:

(i) Acquired his or her interest in the school by operation of law, or before the statute became applicable to the officer or employee, and his or her interest has been disposed of and his or her connection discontinued, or

(ii) Meets all of the following conditions:

(*a*) His or her position does not require him or her to perform duties involved in the investigation of irregular actions on the part of schools or veterans or eligible persons in connection with 38 U.S.C. chs. 32, 34, 35, or 36.

(*b*) His or her work is not connected in any way with the inspection, approval, or supervision of schools desiring to train veterans or eligible persons.

(c) *Authority.* (1) Authority is delegated to the Director, Education and Rehabilitation Service, and to the field station head in cases of Veterans Administration employees under his or her jurisdiction, to waive the application of paragraph (a) (1) of this section in the case of any Veterans Administration employee who meets the criteria of paragraph (b) (1) of this section and to deny requests for waiver which do not meet such criteria. If the circumstances warrant, the request may be submitted to the Administrator for decision.

(2) Authority is delegated to the Director, Education and Rehabilitation Service, in cases of State approving agency employees to waive the application of paragraph (a)(2) of this section in the case of any such person who meets the criteria of paragraph (b)(2) of this section and to deny requests for waiver which do not meet such criteria. If the circumstances warrant, the request may be submitted to the Administrator for decision.

(3) Authority is reserved to the Administrator to waive the requirement of paragraphs (a) (1) and (2) of this section in the case of an officer of the Veterans Administration or a State approving agency and in the case of any employee of either who does not meet the criteria of paragraph (b) of this section.

* * * * *

(e) *Notice to veterans and eligible persons.* The veteran or eligible person will be notified in writing sent to his or her latest address of record when:

(1) The course or courses are disapproved by the State approving agency, or

(2) The State approving agency fails to disapprove the course or courses within 15 days after the date of written notice to the agency, and no waiver has been requested, or

(3) Waiver has been denied.

The veteran or eligible person will be informed that he or she may apply for enrollment in an approved course in another school, but that in the absence of such transfer, educational assistance allowance payments will be discontinued effective the date of discontinuance of the course, or the 30th day following the date of such letter, whichever is earlier.

(f) *Definition of "officer."* For the purposes of this section a person will be considered to be an "officer" of the State approving agency or the Veterans Administration, when he or she has authority to exercise supervisory authority.

[FR Doc. 78-2309 Filed 1-26-78; 8:45 am]

[6560-1]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[OPP-260027A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Revocation of Tolerances for Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[cd]pentalen-2-one

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes the tolerance for the insecticide decachlorooctahydro-1,3,4-metheno-2*H*-cyclobuta [*cd*]pentalen-2-one (trade name: Kepone). The revocation was proposed by the EPA. The revocation will prevent the introduction of bananas containing residues of Kepone into the United States.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederick Hageman, Office of Special Pesticide Reviews (WH-566), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-8026.

SUPPLEMENTARY INFORMATION: On August 31, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 43869) on the initiative of the Agency that 40 CFR 180 be amended by revoking the Kepone tolerance for residues of decachlorooctahydro-1,3,4-metheno-2*H*-cyclobuta[*cd*]pentalen-2-one in or on the raw agricultural commodity bananas at 0.01 part per million (ppm).

No requests for referrral to an advisory committee were received in response to this notice or proposed rulemaking.

One comment was received from the National Canners Association recommending that the revocation order take into consideration those bananas that might contain Kepone residues resulting from treatment prior to the issuance of the revocation.

The Agency concludes that since Kepone application is restricted to the soil and base of the banana plant only, no direct uptake into the fruit itself is likely to occur. However, mechanical contamination is a possibility if batches of bananas are placed on the ground in a harvest-type operation. Should Kepone residues occur in bananas, the Agency will determine a safe action level. It has been concluded, therefore, that the proposed revo-

cation is necessary to protect the public health and should be adopted as previously proposed.

Any person adversely affected by this regulation may, on or before February 27, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on January 27, 1978, Part 180, Subpart C, is amended by revoking § 180.287 as set forth below.

Dated: January 24, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

STATUTORY AUTHORITY: Sec. 408 (e), (m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a (e), (m)).

§ 180.287 [Deleted]

Section 180.287 *Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[cd]pentalen-2-one; tolerance for residues* is deleted from Subpart C.

[FR Doc. 78-2403 Filed 1-27-78; 8:45 am]

[6820-25]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

[FPMR Amendment F-29]

PART 101-35—TELECOMMUNICATIONS

Listening-in Devices; Corrections

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Final rule corrections.

SUMMARY: This notice corrects editorial errors appearing in the listening-in devices regulation (42 FR 58521, November 10, 1977).

FOR FURTHER INFORMATION, CONTACT:

Robert R. Johnson, Regulations Branch, Agency Services Division, Office of Agency Assistance, Planning, and Policy, Automated Data and Telecommunciations Service, General Services Administration, Washington, D.C. 20405, 202-566-0834.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 10, 1977, at page 58521 the Agency published a listening-in devices regultion. The following corrections should be made to that document.

(1) On page 58522, first column, preamble, under Supplemental Information, last sentence, "January 9, 1977" should be "January 9, 1978."

(2) On page 58522, second column, § 101-35.311(b), last sentence, "At the same time orders for the installation or removal of this equipment are placed directly with a commercial vendor, a copy of the order shall be submitted to the General Services Administration (CPSR), Washington, D.C. 20405", should read "At the same time orders for the installation or removal of this equipment are placed directly with a commercial vendor, a copy of the order with the determination shall be submitted to the General Services Administration (CPSR), Washington, D.C. 20405."

Dated: January 5, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-2352 Filed 1-26-78; 8:45 am]

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX-PUBLIC LAND ORDERS

[AA-9234, AA-11181; Public Land Order 5630]

ALASKA

Revocation of Public Land Order No. 5608

AGENCY: Bureau of Land Management.

ACTION: Final rule.

SUMMARY: This order will revoke PLO No. 5608. The Forest Management Act of October 22, 1976, requires an Act of Congress to remove such lands from the national forest.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes, 202-343-8731

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 5608 of November 16, 1976, which excluded Homesites No. 205 and No. 222 of the Clear Lake Group, U.S. Survey No. 4979, from the Chugach National Forest, is hereby revoked, for the reason that section 9 of the Forest Management Act of October 22, 1976, states that an act of Congress is needed to return lands to the public domain.

GUY R. MARTIN,
Assistant Secretary of the Interior.

JANUARY 18, 1978.

[FR Doc. 78-2349 Filed 1-26-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1298]

PART 1033—CAR SERVICE

Substitution of Maintenance of Way Ballast Cars for Gondola Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1298).

SUMMARY: There is a substantial shortage of gondola cars on the Burlington Northern Inc. for shipments of pulpwood logs. The BN has an available supply of maintenance of way ballast cars due to decrease in work on tracks during the winter months. Service Order No. 1298 authorizes BN, with consent of shipper, to substitute BN maintenance of way ballast cars for gondola cars for loading pulpwood logs from any station on the BN and destined to any other station on the BN.

DATES: Effective 12:01 a.m., January 24, 1978. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1978.

An acute shortage of gondola cars for transporting shipments of pulpwood logs exists on Burlington Northern Inc. (BN). The BN has an available supply of maintenance of way ballast cars that may be substituted for this traffic. Use of these maintenance of way ballast cars for the transportation of pulpwood logs is precluded by certain tariff provisions, thus curtailing shipments of pulpwood logs. There is a

need for the use of these maintenance of way ballast cars to supplement the supplies of gondola cars for transporting shipments of pulpwood logs. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1298 Service Order No. 1298.

(a) *Substitution of maintenance of way ballast cars for gondola cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* The Burlington Northern Inc. (BN) may substitute its maintenance of way ballast cars for gondola cars ordered for shipments of pulpwood logs from any station on the BN and destined to any other station on the BN, subject to the conditions provided in paragraphs 2 through 6 of this order.

(2) *Cars to be applied.* Cars listed in the Official Railway Equipment Register, ICC-R.E.R. No. 405, issued by W. J. Trezise, or successive issues thereof as having mechanical designations "HTS" or "MWB" and bearing reporting marks assigned to the BN.

(3) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before maintenance of way ballast cars are substituted for gondola cars.

(4) *Exclusive BN movement required.* Shipments of pulpwood logs for which maintenance of way ballast cars are substituted for gondola cars must originate and terminate at stations on the BN and must not be routed over any other carrier; except that shipments may originate or terminate in terminal switching service on connecting lines which do not particpate in the line-haul.

(5) *Minimum weights.* Maintenance of way ballast cars substituted for gondola cars as authorized by this order shall be loaded to full visible capacity. Freight charges shall be assessed for the actual weight of each car loaded subject to a minimum weight of 50,000 lbs. per car.

(6) *Endorsement of billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1298.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., January 24, 1978.

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

(49 U.S.C. 1(10-17).)

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

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

[FR Doc. 78-2386 Filed 1-26-78; 8:45 am]

[7035-01]

[S.O. No. 1299]

PART 1033—CAR SERVICE

Consolidated Rail Corp. Ordered To Deliver Empty Boxcars to Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, Trustees (BM); BM Ordered To Deliver Empty Boxcars to Maine Central Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1299).

SUMMARY: An acute shortage of boxcars for transporting shipments of paper exists on the Maine Central Railroad Co. American Rail Box Car Co. (RBOX) owns a large fleet of plain 50-ft. boxcars for general service by any line participating in a so-called membership pool. In excess of 2,400 RBOX cars are located on the lines of Consolidated Rail Corporation (CR). Service Order No. 1299 orders CR to deliver to the Boston and Maine Corp. a weekly total of 50 empty plain RBOX boxcars, and BM to deliver to the Maine Central a weekly total of 50 empty plain RBOX boxcars.

DATES: Effective 12:01 a.m., January 24, 1978. Expires 11:59 p.m., February 12, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of January 1978.

An acute shortage of boxcars for transporting shipments of paper exists on the Maine Central Railroad Co. (MeC), in spite of efforts of the Car Service Division of the Association of American Railroads to expedite the return of MeC boxcars to that line. The American Rail Box Car Co. (RBOX) owns a fleet of more than 9,900 plain 50-ft. boxcars for general service by any line participating in a so-called membership pool. However, the pool agreement does not permit RBOX to direct the empty movement of these cars unless they have declared surplus by a pool member. In excess of 2,400 RBOX cars are located on the lines of the Consolidated Rail Corp. (CR) none of which have been made available by CR to RBOX for redistribution.

In the opinion of the Commission an emergency exists requiring redistribution of a portion of the RBOX cars located on CR in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1299 Service Order No. 1299.

(a) *Consolidated Rail Corp. ordered to deliver empty boxcars to Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, trustees (BM): BM ordered to deliver empty boxcars to Maine Central Railroad Co.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) The Consolidated Rail Corp., shall deliver to the Boston and Maine Corp., Robert W. Meserve and Benjamin Lacy, Trustees (BM) a weekly total of fifty (50) empty plain boxcars owned by the American Rail Box Car Co., and bearing RBOX identification marks.

(2) The BM shall deliver to the Maine Central Railroad Co. a weekly total of fifty (50) plain boxcars bearing RBOX identifying marks.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the

end of each seven days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(d) The carriers delivering the empty boxcars as described above must advise Joel E. Burns, Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423 each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(e) The carriers receiving the cars described above must advise Joel E. Burns, Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423 each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(f) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(g) *Effective date.* This direction shall become effective at 12:01 a.m., January 24, 1978.

(h) *Expiration date.* This direction shall expire at 11:59 p.m., February 12, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

[FR Doc. 78-2385 Filed 1-26-78; 8:45 am]

[7035-01]

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1100—GENERAL RULES OF PRACTICE

AGENCY: Interstate Commerce Commission.

ACTION: Notice requiring immediate compliance with rule.

SUMMARY: By this publication the Commission gives formal notice of an intent to require an applicant in an emergency temporary authority proceeding to timely file a petition seeking reconsideration of an order of the Motor Carrier Board in which it is adversely affected. Protestants are not always informed of the filing of an emergency temporary authority application because notice of such filing is not published, and in view of the informal nature of these proceedings applicants have been allowed an unspecified time to seek reconsideration. By this action applicants will be required to expeditiously process an application on a current record, in keeping with an asserted need for emergency transportation.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

John Hedetniemi, Special Assistant to the Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7792.

SUPPLEMENTARY INFORMATION: Petitions seeking reconsideration in emergency temporary authority proceedings were previously accepted without applying the time rule set forth in 49 CFR 1100.225(f). The Commission has now determined that where emergency temporary authority is granted, the time rule will not be invoked because protestants may not have had adequate notice of the presence of an application, or of the action of the Motor Carrier Board. But, where such an application is denied, applicants should be required to seek reconsideration within 20 days of the date of service of a denial order, there being an allegation inherent in the application that the need for service is immediate and urgent. Moreover, parties representing applicants receive telephone notice in such matters as soon as the Board's decision is reached, and several days may elapse before a denial order is served, giving applicants, in most instances, more than 20 days to petition. Therefore, no reason appears to exempt applicants from the rule requiring them promptly to file their appeals.

The situation with respect to replies to petitions is unchanged and the Commission will continue to follow the guidelines set forth in 49 CFR 1131.6. Petitions, because of the urgency of the transportation need, will be accorded expeditious handling, but replies thereto will be considered if received before the petitions can be processed. Replies, received after consideration has been given to petitions, will be treated as petitions for reconsideration and given corresponding accelerated action.

The above requirement, to file petitions within 20 days of the initial decision of the Motor Carrier Board, is mandatory, and all petitions seeking reconsideration of denial orders, filed after publication of this notice in the Federal Register, should be in accordance with said rule. Extensions of time to file are not contemplated.

Decided December 20, 1977.

By the Commission.

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

[FR Doc. 78-2397 Filed 1-26-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. 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

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service issues this rulemaking which would determine the leopard darter (*Percina pantherina*) to be a Threatened species and which would determine Critical Habitat for that species. The leopard darter occurs in southeast Oklahoma and in western Arkansas.

DATE: This final rulemaking becomes effective on February 27, 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.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Fish and Wildlife Service published a Notice in the March 18, 1975, Federal Register (Vol. 40, No. 53, pp. 12297-12298) to the effect that a status review of 29 fishes was being conducted. The leopard darter was one of those species. As a result of this Notice, responses were received from the Governors of Arkansas and Oklahoma, the only States in which this species is known to occur. One comment was received from a biologist. These comments and supportive documents have been reviewed and a summary published in the Federal Register. The comments were published July 6, 1976 (FR Vol. 41, No. 130, pp. 27735-27738), as part of the proposal to determine the leopard darter to be Threatened and portions of the Little River system to be its Critical Habitat. Comments on the proposed rulemak-

ing are summarized below. The information received as a result of the Notice of Review and the proposed rulemaking has been considered and is incorporated into the administrative record of this rulemaking. The information presently available indicates the leopard darter is a Threatened species as provided for by the Act.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to altering the List of Endangered and Threatened Wildlife and Plants. Comments received in response to the Notice of Review of the leopard darter (March 18, 1975, FR Vol. 40, No. 53, pp. 12297-12298) were summarized in the proposed rulemaking to determine the Critical Habitat and Threatened status for the darter (July 6, 1976, FR Vol. 41, No. 130, pp. 27735-27738). A total of 25 comments were received as a result of the above proposal.

Nineteen of the 25 comments received supported the proposal. These responses were from the State of Oklahoma, U.S. Forest Service, conservation organizations, professional biologists and interested individuals. A summary of these comments are presented below.

(1) The comments received from the Governor of Oklahoma indicated that he was in general agreement with the proposed Critical Habitat and Threatened Status for the leopard darter. While he agreed that Threatened Status seemed appropriate to the existing conditions, the situation is rapidly changing in the area inhabited by the darter and a further review of its classification may be needed in the near future. His primary concern was over the rapid loss of habitat for the darter due to a variety of factors. These factors were discussed in his response as follows: "While loss of habitat through large reservoir construction poses one of the most immediate threats to the survival of the leopard darter, there are a number of other factors at work in McCurtain County which may ultimately have more impact than the several dams proposed for the Little River watershed. McCurtain County currently ranks twelfth in growth among Oklahoma's 77 counties. Much of this has been the result of a major increase in activity by the timber industry, but there has also been much growth due to other economic development. McCurtain County will be significantly affected over the next few years by such factors as sewage effluents; solid waste; urban sprawl; new industries and their effluents; sediment from construction; overgrazed pastures; logging roads and clearcuts (many large clearcuts are already present on the banks of streams within the leopard darter's range—including Glover Creek); chemical runoff from industries as well as agricultural and forestry operations; and gravel mining. There is also a significant increase in the number of people participating in various types of outdoor recreation in this part of the state. The combined impact of all of these factors acting at once cannot be ignored." We agree that the rapid increase in the development of this area does contribute to the threats of the leopard darter and its habitat.

The Governor agreed that the streams proposed for Critical Habitat were critical to the leopard darter. He did suggest that the Service give consideration to several creeks that are tributaries of the streams which were proposed as Critical Habitat. The Governor also pointed out an error in the description of Critical Habitat segment of the East Fork of Glover Creek. The upstream end of the Critical Habitat lies four miles NNE of the town of Behtel, Okla., not NNW as indicated in the proposed rulemaking in the FEDERAL REGISTER. This correction has been made in the final rulemaking.

(2) The U.S. Forest Service's comments indicated that they had no objection to the proposal for the leopard darter. They did express concern that failure to identify key tributaries within the Critical Habitat area might be detrimental to the conservation of the species. They also provided locality data for one record of the leopard darter in the Ouachita National Forest in Arkansas.

(3) Five conservation organizations responded to the proposal. The Ozark Society agreed with the proposed Threatened status and the proposed Critical Habitat. The remaining four organizations—Monitor, Inc., Oklahoma Chapter of the Sierra Club, Environmental Defense Fund, and the Oklahoma Wildlife Federation—agreed with the Critical Habitat delineation, however, all four suggested an Endangered status rather than the Threatened status as proposed.

While the situation is serious, we do not believe the data indicate that the leopard darter is likely to become extinct in the foreseeable future. As was indicated by the Governor of Oklahoma, however, the area inhabited by the leopard darter is undergoing rapid alteration, and the Service is planning to monitor closely the habitat and populations of the species in the future.

The six professional biologists who responded to the proposal supported Threatened status for the leopard darter. They also supported the Critical Habitat delineation with one exception. It was recommended by Dr. Clark Hubbs, University of Texas Zoology Department, that the extreme lower part of Glover Creek, below or downstream from Oklahoma Highway 7, be deleted from the Critical Habitat area. Dr. Hubbs has established, through field work and observations, that leopard darters occurring in this section of the Glover Creek are probably waifs from the upstream population. We have, therefore, not included this area in the final determination.

Six individuals responded to our proposal expressing their support, but they did not include any biological data.

Of the 25 comments received, 6 expressed concern over the proposed listing and delineation of critical habitat. These responses were from the Southwestern Division of the Army Corps of Engineers, Red River Valley Association, Little River Conservation District, Idabel Chamber of Commerce and Agriculture, Broken Bow Chamber of Commerce, and one private individual.

The Army Corps of Engineers recommend that the rulemaking be suspended pending extensive studies by the U.S. Fish and Wildlife Service and that an environmental statement in compliance with NEPA be prepared.

The Corps of Engineers recommended that the proposal be suspended for the following reasons:

(a) The information published in the FEDERAL REGISTER of July 6, 1976, does not contain enough data to support the proposed determination. To base this decision on the comments of one biologist is questionable. This is substantiated by the fact that at each time our Tulsa District personnel have sampled waters in the Little River Basin, the known range of the leopard darter has expanded.

(b) The statement that: "Recent evidence (1974 and 1975) available to us, however, indicates that at least the population of the leopard darter occurring in Glover Creek, Okla., is relatively stable and secure * * *" apparently stems from Tulsa District's extensive environmental studies of the Glover Creek basin in conjunction with the proposed Lukfata Lake project. To our knowledge only one other recent extensive survey (Ethridge, unpublished masters thesis, "A Survey of the Fishes of the Cossatot River," Northeastern Louisiana State University, Monroe, La.) has been completed in the Little River stream system. If other stream areas within the basin were sampled as intensively and thoroughly as Glover Creek, evidence of secure and stable leopard darter populations in those areas would probably be found. The enclosed unpublished data (enclosure 1), recently collected by the Corps in the Mountain Fork, Upper Little River, and Cossatot River, lend credence to that.

(c) On page 27735 of the publication in the FEDERAL REGISTER the proposal states, "Historically the Leopard Darter, *Percina pantherina*, was found throughout most of the upland large stream habitat of the Little River Drainage of Arkansas and Oklahoma." That statement is not supported by actual collections (Eley et al. 1975). Factual data would limit the known range of *Percina pantherina* to the Upper Little River, Mountain Fork, Cossatot River, and Glover Creek. Potential habitat occurs throughout the tributaries of the Little River; however, the history of the leopard darter is meager.

(d) The proposal also states: "From its once widespread range in the Little River drainage of Oklahoma and Arkansas, the alteration of its habitat through impoundment and pollution has greatly reduced its distribution and numbers." The statement is erroneous and gives an incorrect impression of the known range and abundance of the leopard darter. The entire range of the leopard darter has never been fully studied. Therefore, it may or may not have been "* * * once widespread * * *." To our knowledge, data have not been published (Eley et al. 1975) that provided population estimates for this fish. Impoundments, existing and under construction, in the Little River Basin could result in only a nine percent reduction in the total potential habitat of *P. pantherina* (Eley et al. 1975). Data collection records (Eley et al. 1975) indicate the *P. pantherina* is more abundant and has a greater range than was previously believed. The recent collections also support that statement.

(e) The words "invariably" and "virtually," referring to alteration of the Cossatot River by Gillham Dam and the authorized Lukfata Lake on Glover Creek, are subjective and are not supported with evidence presented in the proposed rulemaking. The copy of the draft environmental assessment that was secured from your office in response to our request to review the environmental assessment, which was stated in the proposed rules to be on file, does not contain supportive evidence.

(f) On page 27736 under "Critical Habitat Determination" the proposal reads: "Based on information received from experts on this species in Arkansas and Louisiana plus data presented in a recent publication by Eley et al., entitled "Current Status of the leopard darter, *Percina pantherina* (Southwestern Naturalist, Oct., 1975, Vol. 20, No. 3, pages 343-354), the following areas are proposed as Critical Habitat for the leopard darter, *Percina pantherina.*" The experts should be named and the data on which they based their information should be listed. In our opinion, the reference to Eley et al. has been misrepresented in your proposal. This document has been taken out of context and gives the reader a false impression of the findings in that paper. Dr. Eley states on page 353 of the paper, "Recent field studies using improved collection techniques indicate that *P. pantherina* is more abundant and has a greater range than was previously believed. Despite all of the potentially damaging results of man's activities, the present status of the leopard darter can best be described as rare or uncommon but certainly not immediately threatened with extinction."

(g) Recently, during the three-day study of the Cossatot River by Corps personnel, six specimens of *Percina pantherina* were discovered. Five of these were taken above Gillham Reservoir in Howard County, Ark., near the crossing of State Highway 4. The other specimen was taken from the Cossatot River 2 miles below Gillham Dam which is of special significance. Another specimen was collected in the fall of 1975 near Lockesburg, Ark., which is near the mouth of the Cossatot River. It will be interesting to follow up at these locations since the water releases at Gillham were designed to prevent disruption of the natural biology downstream. Followup studies would determine any possible effect of the lake's presence.

(h) Based on current data, the range and population of the leopard darter is greater than previously known. The assumption that "* * * Gillham Dam will, in all probability, result in elimination of the species in that system * * *" is incorrect based on collection data which show leopard darter populations above Broken Bow, Pine Creek, and Gillham Lakes. A population exists also below Gillham Dam which will probably not be seriously disrupted since water releases from the dam are designed to maintain the biology of the stream. Likewise, the authorized Lukfata Lake would not threaten the existence of the leopard darter, but would occupy only a small portion of the habitat. Based on what is believed to be the most extensive study in existence on the occurrence of the leopard darter, the Tulsa District of the Corps of Engineers has found no evidence that either the existing dams or the proposed Lukfata Dam threaten the existence of the species.

The director has considered the above comments and the attachment submitted by the Southwestern Division of the Army Corps of Engineers. The Director has also considered other information obtained by the Fish and Wildlife Service subsequent to the proposed rulemaking. The response to the Army Corps of Engineers' comments presented below is based on information presently available.

(a) The information published in the FEDERAL REGISTER proposal represents a summary of information available on the status of the leopard darter. While only one professional biologist responded to the notice of review, the decision to propose this species as threatened was based on information from several sources. While Corps of Engineers biologists have found additional localities for the species, the localities have with two exceptions been within the known range of the species.

(b) The comments in the proposed rulemaking referring to the status of the Glover Creek population were based in part on the Tulsa District Army Corps of Engineers environmental studies. Other biologists working in the area have indicated that the Glover Creek leopard darter population was the strongest known. Other streams with appropriate habitat (Rolling Fork and Saline River) within the Little River drainage have been well sampled over the years; however, to date the leopard darter has never been taken in these streams.

(c) The introductory statement referring to the historical range of the leopard darter is correct and is supported by Army Corps of Engineers data. The factual data indicates it occurs in four of the six upland large streams tributary to the Little River. Data presently available indicates that potential habitat does not occur throughout all tributaries of the Little River. Many of the tributaries to the Little River are low gradient streams without suitable substrate to support populations of the leopard darter.

(d) The statement in the proposed rulemaking indicating that the distribution and numbers of the leopard darter have been reduced is correct. Impoundments in the Little River system, which destroyed known localities for this species, obviously reduced its habitat and numbers. The Army Corps of Engineers' comment that impoundments, existing and under construction in the Little River basin would effect only 12 percent of the potential habitat is misleading. We feel that many areas listed as potential habitat by Eley et al. 1975 should not be considered potential habitat since numerous samples taken in these areas have failed to demonstrate the species' presence. In some cases, streams listed as potential habitat bear little or no resemblance to those streams known to be inhabited by the leopard darter.

(e) Use of the words "invariably" and "virtually," referring to impacts of impoundment projects within the range of leopard darters, are appropriate. Use of these words is based, in part, on information presented by Eley et al., 1975, page 350, which indicates that: "In the past, impoundments constructed to provide flood control and to develop water resources have been responsible for most habitat

losses." This statement was made in reference to the leopard darter's habitat.

(f) In the process of status and critical habitat determinations, we generally do not name the individuals who contribute information relative to a particular species in the FEDERAL REGISTER publication. However, names of individuals and the type of information they contributed is available on request from the U.S. Fish and Wildlife Service/Office of Endangered Species, Washington, D.C. 20240. We do not feel that the utilization of distributional data in Dr. Eley's 1975 publication on the status of the leopard darter in our determination of critical habitat misrepresented the findings of that study.

(g) The three localities where the leopard darter was recently collected in the Cossatot River, two localities below the reservoir and one locality above the reservoir, should be monitored to evaluate long-term effects of the Gillham Reservoir. The leopard darter populations isolated in short segments of a stream above a reservoir are in a very precarious position. Evidence for this statement is found in a recent Arkansas Game and Fish Commission report of a fish kill on Mountain Fork River above Broken Bow Reservoir which killed fish along several miles of streams. Once a population above a reservoir is extirpated by pollution or other causes, there is no chance for repopulation from downstream areas because of the barrier formed by the dam and reservoir. Other threats to the isolated populations above reservoirs, which was mentioned in Dr. Eley's 1975 paper (page 351), are genetic drift and the change in the species composition and relative abundance of fishes in the streams above the reservoir.

(h) Extirpation of the leopard darter from areas above Gillham Reservoir was addressed in the above response. The conclusion reached concerning the status of the leopard darter population below Gillham dam is based on knowledge of past cases of darter populations below dams. Dr. Eley's 1975 paper discussed the fact that the multiple level outlets provide a capability for selective withdrawal which could lessen downstream impacts. However, he also points out that other operating priorities may prevent operation to maintain optimum downstream temperatures. He also discusses the possible changes in composition of fish populations below the dam which may adversely affect the leopard darter. We conclude that the area below the dams are probably not suitable habitat.

Comments from four organizations, the Red River Valley Association, Little River Conservation District, Idabel Chamber of Commerce and Agriculture and Broken Bow Chamber of Commerce, all expressed concern over the proposal and objected to any further action on the proposal. None of the comments contained any biological data relative to the leopard darter which would support their position.

One citizen from the area responded objecting to the proposal.

CONCLUSION

After a thorough review and consideration of all the information available, the Director has determined that the leopard darter, *Percina pantherina*, is threatened due to one or more of the factors described in section 4(a) of the Act. This review amplifies and substantiates the description of those factors included in the proposed rulemaking (FEDERAL REGISTER Vol. 41, No. 130, July 6, 1976). Those factors were described as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, the leopard darter, *Percina pantherina*, was found throughout most of the upland large stream habitats of the Little River drainage of Arkansas and Oklahoma. The habitat is typically clear, swift shoal areas in moderate to large streams. In these streams it is most frequently found in gravel areas with some sand intermixed. It also occurs along the borders of stream channels.

In the past, several of man's activities have resulted in the destruction or modification of habitat of the leopard darter. The single most important factor which has resulted in most habitat destruction has been the impoundments constructed in the Little River drainage. Other factors responsible for habitat alteration to a lesser extent include siltation from agricultural operations, commercial gravel operations, industrial and municipal effluents, and road construction. Both impoundment and pollution presently represent serious threats to the leopard darter.

From its once widespread range in the Little River drainage of Oklahoma and Arkansas, the alteration of its habitat through impoundment and pollution has greatly reduced its distribution and numbers. The present known distribution is Little River above Pine Creek Reservoir, Glover Creek, and Mountain Fork above Broken Bow Reservoir. Additionally, in a recent survey of the Cossatot River fishes, the leopard darter was found at two localities. These localities are below the recently completed Gillham Dam on the Cossatot River and should not be considered as supporting viable populations because upstream impoundments invariably result in the loss of populations occurring downstream.

The data presently available indicate that the leopard darter population in Glover Creek is a relatively strong, viable population and thus the species is being proposed as threatened rather than endangered. Glover Creek in its present state has good water quality and offers good habitat for the leopard darter and numerous other stream-dwelling organisms. The proposed Lukfata Reservoir impoundment and subsequent alterations of Glover Creek, however, would drastically change the situation and virtually eliminate the leopard darter in this creek.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable.

3. *Disease or predation.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.* Not applicable.

5. *Other natural or manmade factors affecting its continued survival.* Not applicable.

CRITICAL HABITAT

Section 7 of the Act, entitled "Interagency Cooperation" states:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term critical habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765). After a review of the available information for this species, the areas delineated below were found to qualify as critical habitat. Specifically, these areas were found to have environmental elements necessary for successful reproduction and growth.

The areas delineated do not necessarily include the entire critical habitat of this fish and modifications to critical habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or adverse modification of the critical habitat of the leopard darter.

All Federal departments and agencies shall, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to

affect critical habitat. Consultation pursuant to section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service.

EFFECTS OF THE RULEMAKING

In addition to the effects discussed above, the effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all endangered species. These regulations are found at 50 CFR 17.21 and are summarized below.

With respect to the leopard darter in the United States, all prohibitions of section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), codified at 50 CFR 17.22 and 17.23, provided for the issuance of permits to carry out otherwise prohibited activities involving endangered or threatened species under certain circumstances. Such permits involving endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment has been prepared in conjunction with this action. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. The action taken in determining the leopard darter to be a threatened species and portions of selected streams of the Little River drainage in Arkansas and Oklahoma is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, thus it does not require an environmental impact statement.

The primary author of this rulemaking is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

AUTHORITY

These amendments are prepared under sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1536).

REGULATIONS PROMULGATION

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. Section 17.11 is amended by adding, in alphabetical order, under Fishes, the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

SPECIES AND RANGE

Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Fishes: Darter, leopard	*Percina pantherina*	NA	U.S.A. (Arkansas, Oklahoma).	Entire	T	31	17.44(d)

2. Section 17.44 is amended by adding a new § (d) as follows:

§ 17.44 Special rules—fishes.

* * * * *

(d) Leopard darter (*Percina pantherina*).

(1) All provisions of § 17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

3. Also, the Service amends § 17.95(e) Fishes by adding critical habitat of the leopard darter after that of the slackwater darter as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(e) Fishes.

* * * * *

LEOPARD DARTER

(*Percina pantherina*)

Oklahoma. McCurtain and Pushmataha Counties. Little River, main channel in Pushmataha County from mouth of Cloudy Creek (T. 3 S.; R. 20 E.; Section 3) upstream to the Pushmataha-Le Flore County line. Black Fork Creek in Pushmataha County from its junction with Little River (T. 1 S.; R. 20 E.; Section 22) upstream to Oklahoma Highway 144 crossing (T. 1 S.; R. 19 E.; Section 12). Glover Creek, main channel in Pushmataha County from Oklahoma Highway 7 crossing (T. 5 S.; R. 23 E.; Section 28) upstream to the junction of the East Fork and West Fork of Glover Creek. East Fork and West Fork of Glover Creek. East Fork of Glover Creek, main channel in Pushmataha County from its junction with the West Fork Glover Creek (T. 3 S.; R. 23 E.; Section 7) upstream to 4 air miles north-northeast of the community of Bethel (T. 2 S.; R. 24 E.; Section 5). West Fork Glover Creek, main channel in Pushmataha County from its junction with the East Fork Glover Creek upstream to the community of Battiest (T. 2 S.; R. 23 E.; Section 7). Mountain Fork Creek, main channel in McCurtain County, from mouth of Boktukola Creek (T. 2 S.; R. 25 E.; Section 9), 6 air miles south-southwest of Smithville, upstream to the Oklahoma-Arkansas State line.

Arkansas. Polk County. Mountain Fork Creek, main channel from the Arkansas-Oklahoma State line upstream to the community of Mountain Fork (T. 1 S.; R. 32 W.; Section 29).



CRITICAL HABITAT FOR THE LEOPARD DARTER

* * * * *

NOTE.—The Department of the Interior has determined that this document does not contain a major action requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 18, 1978.

KEITH M. SCHREINER,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 78-2182 Filed 1-26-78; 8:45 am]

proposed rules

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

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC PROGRAM

Proposed Revision of REA Bulletin on Power Supply Surveys

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to revise REA Bulletin 111-3, Power Supply Surveys, issued August 4, 1969. This REA bulletin sets forth REA policies with regard to Power Supply Surveys and certifications thereto by the Administrator in relation to the approval of loans and loan guarantees for certain generation and/or transmission facilities. The circumstances that created the need for this action arose from Senate Report 95-296 requesting that REA streamline its Power Supply Survey procedure. The intended effect of this action is to limit REA's Power Supply Surveys only to those cases where the facilities to be constructed would displace existing contractual arrangements with a private power company.

DATE: Public comments must be received by REA on or before February 27, 1978.

ADDRESS: Interested persons may submit written data, views or comments to the Power Survey Officer, Rural Electrification Administration, Room 3863, 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 in the Office of the Power Survey Officer during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Bulman, Power Survey Officer, Rural Electrification Administration, Room 3863, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-5755.

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 111-3. A copy of the proposed revised REA Bulletin 111-3 may be secured in person or by written request from the Power Survey Officer. The text of the proposed revision is as follows:

REA BULLETIN 111-3

SUBJECT: POWER SUPPLY SURVEYS

I. *Purpose.* This bulletin sets forth REA policy with regard to Power Supply Surveys and certifications thereto by the Administrator in relation to the approval of loans and loan guarantees for certain generation and/or transmission facilities.

II. *Policy*—A. *Requirement for Power Supply Surveys.* A Power Supply Survey is required prior to acceptance by REA of applications for loans or loan guarantees for generation and/or major transmission where the facilities to be constructed would displace existing contractual arrangements with a private power company. No such application will be accepted for consideration by REA unless (a) a Power Supply Survey has been completed, or (b) it is determined by the Administrator that completion of the Survey requires full review of the application.

Where a Survey is required, the applicant shall provide a full description of existing contractual arrangements for power supply, a statement of any special problems, a general summary of power supply needs, copies of any proposals made by the existing supplier, and a summary of negotiations with the existing supplier.

B. *Conduct of Survey.* 1. The Survey shall be so conducted as to determine the basis upon which the existing supplier is prepared to cooperate in the development of an assured source of power financed with the proposed loan or loan guarantee.

2. If arrangements satisfactory to the Administrator under (1) above are not available and the existing supplier has made a proposal for continuing the existing supply arrangements, the Survey shall determine whether the proposal is reasonable for purposes of the Rural Electrification Act.

3. If the Administrator finds such proposal unreasonable for purposes of the Rural Electrification Act, REA will advise the existing supplier wherein the proposal is unreasonable and endeavor to have such proposal made reasonable. The REA borrower or potential borrower shall be made a party to any negotiations between REA and such power supplier. When necessary to avoid dilatory tactics or protracted delays, the Administrator shall advise the parties in such cases of a definite time limit for negotiations under the Survey, and final cutoff date for proposals which are to be considered in evaluation of the application.

C. *Certifications Required When Survey Procedure Results in a Loan or Loan Guarantee by REA.* No loan or loan guarantee for generation and/or transmission facilities will be approved except in compliance with all applicable bulletins and, if a Power Supply Survey is required pursuant to paragraph II-A, unless certification is made by the Administrator to the Secretary of Agriculture that the loan or loan guarantee has been approved after completion of a Survey that shows that the loan or loan guarantee is (a) needed to provide an assured source of power which has been developed in cooperation with the existing power supplier; or (b) needed because the proposal from the existing supplier to provide the facilities or service to be financed was found to be unreasonable for the purposes of the Rural Electrification Act, the supplier was advised of the provisions that made its proposal unreasonable, REA attempted to have such proposal made reasonable, and the existing supplier had failed or refused to do so within the time set by the Administrator. A loan or loan guarantee requiring a Power Supply Survey shall also be certified to the Comptroller General, the Senate and House of Representatives of the United States, as directed by the respective bodies, if it (i) exceeds $10,000,000 and is certified pursuant to (a) above, or (ii) is certified pursuant to (b) above. Such additional certifications shall be accompanied by the following information:

1. The name and address of the applicant borrower and the date of the application.

2. Description and estimated cost of the proposed generation facilities. Indicate if the proposed facilities are the initial or additional unit or units of a plant comprised of one or more units.

3. Description and estimated cost of proposed transmission facilities, including any immediate or future plans to interconnect with other transmission systems.

4. Description of any long-range plans the applicant may have for construction of additional generation and transmission facilities and the estimated cost of the planned facilities.

5. Comparison of the estimated costs of generation by the applicant borrower with the cost of power available from the existing supplier, including the final offer by the supplier including terms and conditions offered to meet applicant's long-term energy needs.

6. Summary of the efforts made by the applicant and by REA to obtain the applicant's power and energy requirements from existing power suppliers and the reasons why such efforts have not been successful.

7. Explanation of the applicant's reasons for seeking an REA loan or loan guarantee.

8. The amount of electric energy which the applicant will cease to purchase from the existing supplier upon construction of the generating plant for which REA financing is being sought.

9. Explanation of the extent to which the feasibility of the requested loan or loan guarantee for generation and transmission facilities depends upon the use of a portion of the facilities by others (including Federal power marketing agencies).

10. Details of the applicant's plans to sell or otherwise make available any of the power and energy from the proposed generation facilities to other (including Federal power marketing agencies).

11. Names of State agencies and commissions having jurisdiction over the applicant borrower.

Dated: January 20, 1978.

DAVID A. HAMIL,
Administrator.

[FR Doc. 78-2354 Filed 1-26-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

PUBLIC INFORMATION

REA Specifications for Enclosures Containing Protective Equipment With Exposed Energized Parts

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Specification U-7, REA Specifications for Enclosures Containing Protective Equipment with Exposed Energized Parts. This revision is intended to bring REA specifications up to date with existing standards publications. Because of the extent of the revision, the entire specification is published below. On issuance of REA Specification U-7, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than February 27, 1978.

ADDRESS: Interested persons may submit written data, views, comments to the Director, Power Supply and Engineering Standards Division, Rural Electrification Administraition, Room 3304, 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 in the Office of the Director, Power Supply and Engineering Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland C. Hand, Sr., Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-4413.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), the text of the proposed revision of REA Specification U-7 is as follows:

REA SPECIFICATIONS FOR ENCLOSURES CONTAINING PROTECTIVE EQUIPMENT WITH EXPOSED ENERGIZED PARTS

Spec. No. U-7

I. Scope.—These specifications cover enclosures containing protective equipment with exposed energized parts for use on underground distribution systems of REA borrowers.

II. General.—The enclosures furnished under these specifications shall conform in all respects to the following requirements. Enclosures shall be tamper-resistant and designed so that no wires or other objects can be inserted into vents, joints, or other openings to contact energized components.

III. Material.—Material shall be a minimum of 14 gauge sheet steel or equivalent. Corner angles and channels shall be 12 gauge steel or equivalent.

IV. Grounding.—All enclosures shall be furnished with grounding connectors equivalent to item bu of REA Bulletin 43-5.

V. Finish.—All metallic surfaces shall be hot dip galvanized in accordance with ASTM Specification A153, A525 or mill galvanized 2½ ounce. A rust-resistant primer and finish coat of paint shall be applied and shall be free of runs, sags and blisters.

VI. Locking.—In addition to the regular locking provisions, all doors shall be secured by recessed, captive, penta-head bolts. The bolt arrangement shall be in accordance with REA Drawing A-3759 which is part of these specifications.

VII. Anchoring.—All enclosures shall have provisions inside the enclosure for anchoring each corner to the mounting pad.

VIII. Dead Front.—All electrical equipment enclosures shall have no exposed energized parts when the enclosure door is open. This can be accomplished by using a separate barrier between the door and energized equipment. If other access panels are removable without first opening the door, a separate barrier shall be provided.

A copy of the proposed revision of Drawing A-3759 may be secured in person or by written request from the Directon, Power Supply and Engineering Standards Division.

Dated: January 23, 1978.

RICHARD F. RICHTER,
Assistant Administrator—Electric.

[FR Doc. 78-2375 Filed 1-26-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

REA SPECIFICATIONS FOR SECONDARY PEDESTALS

Proposed Revision of REA Specification U-6

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA specification U-6, REA specifications for secondary pedestals. This reivision is intended to bring Rea specifications up to date with existing standards publications. Because of the extent of the revision, the entire specification is published below. On issuance of REA specification U-6, appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than February 27, 1978.

ADDRESS: Interested persons may submit written data, views, comments to the Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, 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 in the Office of the Director, Power Supply and Engineering Standards Division, during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland C. Hand, Sr., Director Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone No. 202-447-4413.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), the text of the proposed revision of REA Specification U-6 is as follows:

REA SPECIFICATION FOR SECONDARY PEDESTALS—SPEC. NO. U-6

I. *Scope.* These specifications cover secondary pedestals for use on REA underground distribution systems.

II. *General.* The pedestals furnished under these specifications shall conform in all respects to the requirements of these specifications. Pedestals shall be tamper-resistant and designed so that no wires or other objects can be inserted into vents, joints, or other openings to contact energized components.

III. *Material.* The pedestals may be fabricated may be fabricated of metallic or nonmetallic material. Metallic pedestals shall be of 14 gage sheet steel or equivalent (minimum). Corner angles and channels shall be 12 gage steel or equivalent.

Fiber reinforced or other plastic materials shall be of a high impact type (ASTM D256); it shall be flame retardant (ASTM D635 or equivalent) and resistant to ultraviolet radiation.

IV. *Grounding.* All metallic pedestals shall be furnished with grounding connectors equivalent to item bu of REA Bulletin 43-5.

V. *Finish.* All metallic surfaces shall be hot dip galvanized in accordnce with ASTM Specification Ai53, A525, or mill galvanized 2½ ounces. A rust-resistant primer and finish coat of paint shall be applied and shall be free of runs, sags, and blisters.

Fiber reinforced plastic shall be weather and fade resistant. All pedestals shall be made in a workmanlike manner. They shall be reasonably smooth and free from sharp projections.

VI. *Locking.* In addition to the regular locking provisions, all doors shall be secured by recessed, captive, penta-head bolts. The bolt arrangement shall be in accordance with REA Drawing A-3759 which is a part of these specifications.

VII. *Anchoring.* All pedestals shall have provisions for mounting on a power pedestal stake (item U gr) or other approved anchoring device.

A copy of the proposed revision of Drawing A-3759 may be secured in person or by written request from the Director, Power Supply and Engineering Standards Division.

Dated: January 23, 1978.

RICHARD F. RICHTER,
Assistant Administrator—Electric.

[FR Doc. 78-2376 Filed 1-26-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

REA SPECIFICATIONS FOR SECTIONALIZING AND SINGLE-PHASE TRANSFORMER ENCLOSURES

Proposed Revision of REA Specification U-4

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Specification U-4, REA Specifications for Sectionalizing and Single-Phase Transformer Enclosures. This revision is intended to bring REA specifications up to date with existing standards publications. Because of the extent of the revision, the entire specification is published below. On issuance of REA Specification U-4, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than February 27, 1978.

ADDRESS: Interested persons may submit written data, views, comments to the Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, 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 in the Office of the Director, Power Supply and Engineering Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland C. Hand, Sr., Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-4413.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), the text of the proposed revision of REA Specification U-4 is as follows:

REA SPECIFICATIONS FOR SECTIONALIZING AND SINGLE-PHASE TRANSFORMER ENCLOSURES

Spec. No. U-4

I. Scope.—These specifications cover enclosures for modular sectionalizing equipment and single-phase transformers for use on REA underground distribution systems.

II. General.—The enclosures furnished under these specifications shall conform in all respects to the following requirements. Enclosures shall be tamper-resistant and designed so that no wires or other objects can be inserted into vents, joints, or other openings to contact energized components.

III. Material.—The enclosures may be fabricated of metallic or non-metallic material. Non-metallic enclosures may only be used in areas accessible only to qualified persons. Metallic enclosures shall be of 14 gauge sheet steel or equivalent (minimum). Corner angles and channels shall be 12 gauge steel or equivalent. Fiber reinforced or other plastic materials shall be of a high impact type (ASTM D256); it shall be flame retardant (ASTM D635 or equivalent) and resistant to ultraviolet radiation.

IV. Grounding.—All metallic enclosures shall be furnished with grounding connectors equivalent to item bu of REA Bulletin 43-5.

V. Ventilation.—Enclosures shall have adequate louvers to permit circulation of air around the equipment. Vents shall be properly shielded and guarded to prevent objects from being pushed into energized components.

VI. Finish.—All metallic surfaces shall be hot dip galvanized in accordance with ASTM Specification A153, A525 or mill galvanized 2½ ounce. A rust-resistant primer and finish coat of paint shall be applied and shall be free of runs, sags and blisters. Fiber reinforced plastic shall be weather and fade resistant. All enclosures shall be made in a workmanlike manner. They shall be reasonably smooth and free from sharp projections.

VII. Locking.—In addition to the regular locking provisions, all doors shall be secured by recessed, captive, penta-head bolts. The bolt arrangement shall be in accordance with REA Drawing A-3759 which is a part of these specifications.

VIII. Anchoring.—All enclosures shall have provisions inside the enclosure for anchoring each corner to the mounting pad.

IX. Dead Front.—All transformers and other electrical equipment enclosures shall have no exposed energized parts when the enclosure door is open. This can be accomplished by using a separate barrier between the door and energized equipment. If other access panels are removable without first opening the door, a separate barrier shall be provided. On transformer enclosures, the high voltage side shall be equipped to receive elbow terminators. The bushings may be located either on the transformer or the barrier. The low voltage side shall be equipped with provisions for mounting completely insulated secondary terminals. These may also be located on the transformer or the barrier.

A copy of the proposed revision of Drawing A-3759 may be secured in person or by written request from the Director, Power Supply and Engineering Standards Division.

Dated: January 23, 1978.

RICHARD F. RICHTER,
Assistant Administrator—Electric.

[FR Doc. 78-2374 Filed 1-26-78; 8:45 am]

[3410-37]

Food Safety and Quality Service

[7 CFR Part 2853]

MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING CERTIFICATION, AND STANDARDS)

NOTE.—This document originally appeared in the FEDERAL REGISTER for Monday, January 23, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Food Safety and Quality Service, USDA.

ACTION. Proposed rule.

SUMMARY: This proposed rule will revise certain official U.S. standards for grades of meat and the related meat grading regulations and a companion rule proposed under 9 CFR Parts 316 and 317 will revise Federal meat inspection regulations pertaining to marking and labeling requirements. The proposed changes provide that meat will be graded only in the form of carcasses or sides and in the plant in which the animals were slaughtered. Also, certain trimming procedures and chilling conditions necessary for carcasses to be graded are clarified. The changes proposed in meat inspection regulations specify that all carcasses, parts, and meat of cattle and sheep must be identified by USDA quality grade or as ungraded. The proposed changes are designed to make grade determinations more accurate and uniform and less subject to fraud and to provide more complete grade information to consumers.

DATE: Comments must be received on or before May 1, 1978.

ADDRESS: Written comments to: Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR ADDITIONAL INFORMATION ON COMMENTS, SEE SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Jerry Goodall, Acting Director, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4727.

SUPPLEMENTARY INFORMATION: The proposal under this part defines a beef carcass precisely than formerly; specifies that meat from cattle and sheep will be graded only as carcasses or sides and only in establishments in which the animals are slaughtered; specifies that a beef carcass shall be presented for grading only after it has been sufficiently chilled so that its

physical attributes (intramuscular fat or marbling; color, texture, and firmness of the lean; etc.) are developed adequately to permit an accurate grade determination; clarifies the conditions under which quality and yield grade designation marks may be removed from officially graded beef; specifies that to be eligible for grading, a beef carcass shall have the kidneys and the kidney, pelvic, and heart fat removed from it prior to presentation for grading; and lastly, specifies that a beef carcass shall have been ribbed for at least 30 minutes prior to the time it is presented for grading.

In addition, this proposal, in several of its parts, solicits specific comments and facts from all interested and affected parties on additional conditions that could be imposed upon the meat grading system but which the Department desires further information as to their beneficial and/or adverse affects upon producers, packers, and consumers.

The changes proposed in this document, as well as those for which additional information is being sought, are intended to: (a) assist producers of meat animals in receiving a price for live animals that is commensurate with the retail value of the meat that an accurate grade designation predicts; (b) assist consumers in making informed value judgments in the marketplace so as to avoid having to pay more for meat than the true value of the meat purchased; (c) assist Federal graders in making more accurate grade determinations by better controlling those factors that contribute to variation in the present system; (d) assist supervisors and managers of Federal meat grading service to operate the service more efficiently; and (e) minimize the opportunity to defeat or circumvent the grading system by providing greater specificity and delineation to the system.

The change in meat inspection regulations requires that carcasses, parts, and meat of cattle and sheep that have been USDA graded must retain the grademarks until sold to the consumer and meat that have not been USDA graded must be marked or labeled "U.S. UNGRADED." The specific changes in inspection regulations (9 CFR Parts 316 and 317) appear elsewhere in this issue of the FEDERAL REGISTER.

Comments. Changes proposed in meat grade standards and meat grading and labeling regulations are expected to have a significant impact on all parts of the livestock and meat industry and on the consuming public. It is anticipated that there may be widespread interest in the proposed changes. In order that all those affected have ample opportunity to comment, oral as well as written views, data, or arguments will be received on the proposal. In this regard, a public hearing will be held on the proposed changes contained in this notice and those concerning inspection regulations appearing elsewhere in this issue of FEDERAL REGISTER. Hearing sessions will be held at locations beginning on the dates listed below:

1. March 16, 1978—Washington, D.C. 20250, Jefferson Auditorium, S. Agriculture Bldg., 14th & Independence SW.

2. March 21, 1978—San Francisco, Calif. 94111, Custom's House, 555 Battery St., Room 503.

3. March 23, 1978—Omaha, Nebr. 68102, Omaha Hilton Hotel, 1610 Dodge Street.

4. March 28, 1978—Atlanta, Ga. 30303, Federal Office Bldg., Room 556, 275 Peachtree Street NE.

Each day's session of the hearing will commence at 9:30 a.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Any of the sessions may be continued beyond 1 day if necessary. Persons who wish to be heard are requested to notify the Administrator, Food Safety and Quality Service, Washington, D.C. 20250, within 20 days of the date of publication of this notice stating the session at which they wish to present a statement and how much time they will need to present the statement. However, any person who wishes to be heard at the hearing will be afforded opportunity to be heard, whether or not that person has given such advance notice.

In addition, all persons who desire to submit written date, views or arguments in connection with this proposal and/or the proposed changes in meat labeling regulations (9 CFR Parts 316 and 317) shown elsewhere in this issue of the FEDERAL REGISTER, are invited to file such material, in duplicate, with the Hearing Clerk, Room 1077 South, United States Department of Agriculture, Washington, D.C. 20250, on or before May 1, 1978. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Also, since the comments will be considered in the resolution of these proposals, they should include definitive information which explain and support the sender's views. All written submissions and transcripts of the comments at the public hearing will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Background. The USDA meat grading and inspection programs and the national meat marketing system have been plagued in recent years with bribery and corruption and with merchandising practices which may tend to mislead consumers and other purchasers of meats. The changes proposed by these revisions in grade standards and grading regulations (7 CFR Part 2853) are a part of USDA's efforts to improve the integrity of the systems and to increase the dependence which the general public can place in the Federal grading and inspection programs. The changes are needed because of several instances of bribery and other corruptive practices which have occurred in recent years involving meatpackers and USDA meat graders and/or meat inspectors. In 1974-76, for example, 17 firms, 36 meatpacking officials, and 17 USDA employees (who were relieved of official duties upon indictment and subsequently discharged from employment) were convicted of bribery and related offenses in California and Arizona. Since early 1975 it has been necessary to take administrative actions against packers in South Dakota, Iowa, Kansas, Texas, and California because of the illegal removal of grade stamps from meats. In this same period, another USDA agency, the Packers and Stockyards Administration, issued four formal complaints and assisted State or local officials with 10 other complaints, many of which were related in whole or part to violations or misrepresentation of USDA meat grades.

Changes in marking and labeling requirements in meat inspection regulations (9 CFR Parts 316 and 317) appear to be necessary because of the widespread use of merchandising practices by retailers, home freezer purveyors, and others that can confuse consumers and other purchasers as to the quality or yield grade and true value of beef and other meats.

This proposed rule and the companion rule proposed in the Federal meat inspection regulations, also discussed in this section, would revise official U.S. standards for grades of meat and related meat grading regulations and would revise marking and labeling requirements for such meats so that the opportunities for actions and practices such as those outlined above would be minimized. These proposals, if adopted, could eliminate certain elements of subjectivity in meat grading and some possible causes of identifying cuts of meat with inappropriate grades; could increase the efficiency of marketing meat items; and would initiate new rules regarding identification of meat (except pork, which is not federally graded) and the retention of grade identification on all beef carcasses and cuts. In addition to the corrective measures, these changes could help make Federal grades more useful to and more easily understood by producers, processors, and particularly consumers.

The Federal grading of meat is a voluntary service which was originally designed to facilitate marketing. The

cost of the service is paid for by fees collected from those who request that meat be graded.

During the 50 years that the service has been provided by the Federal Government, the demand for Federal meat grading has steadily increased. Based on estimates of the number of fed cattle produced in 1976 by USDA's Economics, Statistics, and Cooperatives Service and the quantities of beef graded by FSQS' meat grading service, it is estimated that nearly three-fourths of the fed beef produced is federally graded. Most of the fresh beef cuts reaching consumers through retail stores are from fed beef. Consumers have come to depend upon the Federal meat grade designation as the primary tool for making comparative cost and value judgments in the purchase of meat at the retail level.

This consumer dependence upon and desire for Federal grade designations of meat at the retail level has been largely responsible for the widespread use of the Federal meat grading service by the meatpacking and processing industries. This same consumer acceptance of and desire for grade designations on retail cuts of meat has led to the widespread and common use of meat grades in the promotion and advertising of meats at the retail level. Since Federal grades are used extensively as the basis for trading between meatpackers and others, and relatively wide spreads in price frequently result between grades, it is necessary that Federal meat grading be conducted as accurately and uniformly as possible in order to achieve equity among all persons affected by grades, from the producer to the consumer.

Because of the increased demand for Federal meat grading and its general acceptance by both industry and consumers, it has been necessary to make the meat grading service as widely available as possible while at the same time attempting to meet the needs of both industry and the consumer. In the past, meat has been graded for quality (a prediction of the palatability of the lean meat in a carcass) and for yield (a prediction of the amount of retail cuts that may be expected from a carcass) in a number of forms and geographic locations other than as a carcass or at the establishment of slaughter, respectively. Under the current meat grading regulations, meat may be graded as carcasses, quarters, and wholesale cuts in the establishment of slaughter as well as in establishments that are further down the distribution and/or processing and marketing line. These practices were adopted for the reasons cited above but they have resulted in: (1) inaccuracies in grading, (2) difficulties in supervising and managing the grading service, (3) increases in the cost of grading, (4) representations which may mislead or confuse consumers about the quality grade of meat, (5) producers of meat animals being paid a price which may not reflect the true value of their animals marketed for slaughter, and (6) bribery and fraudulent practices on the part of some Federal graders and/or operators of packing plants.

Presently, some beef is offered for grading when certain physical attributes of the carcass (grading factors) that are used for determining grade (e.g. marbling, color, texture, and firmness of the lean) are not developed to the extent necessary to permit an accurate grade determination to be made. This practice results in graders having to reevaluate many carcasses for grade with resultant increases in the cost of grading. The proposed procedures require that grade factors be developed to the extent that an accurate grade determination can be made. The development of these factors is a function of the conditions under which carcasses are chilled and the length of time between ribbing of the carcass and the presentation of the carcasses for grading. Therefore, it is proposed that a requirement of 30 minutes elapsed time between ribbing and presentation for grading be imposed as a means of assuring that grade factors are adequately developed in a carcass prior to its presentation for grading. This requirement should improve the condition of carcasses so that accurate grade designations can be made on increased numbers of carcasses when first offered for grading. The proposed requirement should: (1) make the beef quality grades more accurate and uniform, (2) make it possible for supervisors to more effectively review graders' work, (3) expedite the handling of carcasses, and (4) decrease the overall cost of grading. However, also requiring that carcasses be chilled for no more than a specified time so as to attain adequate development of time and temperature dependent grade factors in the ribeye may serve to further reduce the variables that affect an accurate grade designation and could lead to considerable savings of energy. In connection with a possible chill time and temperature requirement, which is not specified in this proposal, the Department requests comments and facts from all interested and affected parties that would assist in making a decision relative to the merits of mandatory time and temperature requirements for grading.

The proposed requirement that the kidney and all kidney, pelvic, and heart fat be removed from carcasses before they are offered for grading should simplify the determination of yield grade and increase the uniformity of application of the yield grade standards, thereby making the yield grades a more useful means of assuring that producers of animals receive payment and consumers expend payment proportionate to the value offered or received.

Under the present regulations, carcasses can be graded with all of the kidney, pelvic, and heart fat left in place or with some or all of these fats removed. There is little difference in the accuracy of the yield grades for predicting the yield of retail cuts from carcasses in which the kidney, pelvic, and heart fat has been left in place or removed. However, removal of these fats can have a considerable effect on the yield of retail cuts from individual quarters and wholesale cuts. For example, consider two carcasses, both of Yield Grade 3.5, but with carcass No. 1 graded prior to removal of kidney, pelvic, and heart fat and carcass No. 2 graded after removal of these fats. The only reason that carcass No. 2 would qualify as a Yield Grade 3.5 would be because of the removal of kidney, pelvic, and heart fat. Otherwise, carcass No. 2 would have been at least Yield Grade 4.0. Further, because the bulk of these fats are located in the hindquarter, the forequarters of the two carcasses would be very different in fatness and yield of retail cuts. The forequarter of carcass No. 2 is much more typical of a Yield Grade 4 than of Yield Grade 3. Requiring the kidney, pelvic, and heart fat to be removed will eliminate such variations in yields of trimmed retail cuts from individual quarters and wholesale cuts. In recognition of such differences, USDA now identifies carcasses graded after removal of kidney, pelvic, and heart fat differently than carcasses graded with these fats in place. However, the significance of this difference in identification is not fully understood by purchasers of beef, especially small retailers and consumers who buy quarters or wholesale cuts. Removal of these internal fats prior to grading should eliminate this source of confusion and make it possible to uniformly grade and mark beef for yield grade.

Since the emphasis placed on kidney, pelvic, and heart fat in determining yield grade essentially reflects the effect of the weight of this fat on the predicted yields of retail cuts from a carcass, the elimination of these fats as factors in the yield grade equation does not require any change in the emphasis placed on the three remaining grade factors. Also, in order that there will be a minimum of confusion to graders, producers, packers, retailers, and others in adapting to the revised standards, each proposed yield grade would continue to include carcasses with the same general combinations of external fat thickness, area of ribeye and carcass weight as now included in each of these grades.

The yield of retail cuts from a carcass of each yield grade should be sub-

stantially increased under the proposed standards. This is because the carcass weight would be decreased by the weight of the kidney and the kidney, pelvic, and heart fat that has been removed, but the weight of the retail cuts would remain the same. Consequently, carcasses of a given yield grade would be worth more per pound than carcasses of that yield grade under the present standards. However, the total value received by a producer is not expected to change significantly because the higher carcass price per pound would be largely offset by the lighter weight of the carcass. At the same time, it is reasonable to expect that certain advantages would accrue to consumers through these changes. For example, the kidney, pelvic, and heart fat would be used more efficiently at the point of slaughter; these fats would not have to be chilled, thus saving energy; and they would not be included as part of a carcass' shipping weight, thus decreasing shipping costs which should be reflected in somewhat lower retail prices. Also, it would be possible to utilize more of these fats for edible purposes than is permitted under present industry processing practices. All of these advantages should result in more efficient marketing of beef.

A change also is being proposed in the conditions under which the yield grade designations may be removed from grade-identified steer, heifer, cow, and bullock beef. Under the proposal, the yield grademark could not be removed from a carcass or its cuts when the natural fat cover is ½ inch or less thick any place on the carcass or cut. If the fat cover of the carcass is reduced to ½ inch or less by trimming, the yield grademarks could be removed. Thickness of natural or trimmed fat cover is easily determined by use of a calibrated probe. In that the original yield grade of a carcass was determined, in part, by the thickness of the natural fat cover, trimming of fat cover will significantly affect the ratio of fat to lean in retail cuts obtained from trimmed carcasses. However, because the price paid for a carcass is most often determined by the yield grade assigned to that carcass and because yield grade is affected by fat cover, it does not appear to be in the best interests of either the producer or consumer to insist that the original yield grade of a carcass be maintained on all subsequent wholesale and retail cuts of meat from which substantial amounts of fat cover have been removed.

Concern also has been expressed to the Department that the value of meat to the consumer at retail is determined by the ratio of intermuscular fat to lean as well as by the ratio of fat on the exterior of the cut and the marbling or intramuscular fat. Because trimming of fat from carcasses and wholesale cuts may be expected to affect the price of meat at retail and may mislead consumers into believing that a trimmed retail cut was derived from a carcass of better yield grade than that from which it actually was derived, the Department is soliciting specific comments and facts on the effect of a requirement that the yield grade of meat be carried through all steps of processing and retailing and that the yield grade be that originally assigned to the carcass. The Department is particularly interested in learning of the benefits and/or adverse effects upon producers, packers, and consumers if such a requirement were imposed.

Changes in terms and definitions are offered in this proposal in order to enhance simplicity and to achieve more universal understanding of the grade standards. The term carcass has been defined in the beef carcass standards and this definition includes an explanation of the manner in which a carcass shall be dressed before it may be presented for grading. This definition also is intended to reduce subjetivity and to increase specificity of the grading process. Achievement of these ends will assure that all persons who are affected by grades are dealt with equitably. To further assure that both producers and consumers are receiving and paying fair market prices for the value delivered or received, the Department has been advised that certain additional requirements be included in the definition of a carcass. These requirements are not included in this proposed regulation, but the Department is requesting that specific comments and facts be provided on the advisability, the benefits, and the disadvantages of including a requirement that such items as the "hanging tender," the "cod" or "udder fat," and the "skirts" (diaphragm) be removed from carcasses before carcasses are eligible for presentation for grading.

Because of the importance of USDA quality grade information to consumers, the Department is also proposing changes in meat inspection marking and labeling regulations (amendments to 9 CFR Parts 316 and 317 shown elsewhere in this issue of the FEDERAL REGISTER) that will require carcasses, parts, and meat of cattle and sheep sold at retail to be marked or labeled with quality grade information. Such meats would be identified with official USDA quality grades or be marked or labeled as "U.S. UNGRADED." (Other species of livestock which are inspected under the Federal Meat Inspection Act are not included in this rulemaking procedure since USDA does not apply consumer quality grades to such products.)

Accurate information with respect to grade is considered essential to achieving equity in pricing of producrs' livestock and for the protection of consumers and other purchasers of meats. USDA grades have become the basis for pricing live slaughter cattle and sheep as well as carcasses and wholesale cuts. The use of such grade terms in advertising, promotion, and labeling of meats also has grown significantly in the retail trade. Consumers have responded with the result that leading retailers in most major market areas feature USDA Choice beef and lamb extensively in their advertising and merchandising programs. Frequently, other retailers in these market areas use ungraded meat and/or a mixture of graded and ungraded meat and advertise and merchandise it in such a manner that consumers could be misled and believe that all such meat is of the same quality as graded meat. In other instances, meat is merchandised and advertised in a way that causes consumers to confuse Federal inspection marks and USDA grademarks. These practices could misrepresent the quality of meat and permit such meats to compete unfairly with graded meats to the detriment of consumers and the public, generally. As a consequence of consumers not having accurate grade information, they often have to pay greater than the true value for meats they purchase. Therefore, because of the increased use of quality grades and because of the importance of such grades to consumers, it is proposed that caracasses, parts, and meat of cattle and sheep bear quality grade information to assure that their labeling will not be misleading.

Under the proposal to revise inspection regulations, such carcasses, parts, and meat will be required to bear, from the time they leave an official establishment and at all times thereafter, the appropriate USDA quality grade or the words "U.S. UNGRADED." Such carcasses, parts, or meat shall bear this information either thereon or on their containers, as is more specifically detailed in the proposed regulations. These requirements would also be applicable to imports. In addition, since this is a misbranding provision, such requirements would be applicable to retail establishments that are exempt from routine inspection under the Federal Meat Inspection Act.

For the reasons outlined, it is proposed that certain sections of the regulations and standards appearing in 7 CFR Part 2853 (formerly Part 53) as they relate to meats, prepared meats, and meat products be revised as set forth below.

Subpart A—Regulations

1. In § 2853.1, the definitions for "Quality grade" and "Yield grade" are revised to read as follows:

§ 2853.1 Meaning of words.

* * * * *

Quality grade. A designation based on those characteristics of meat which most appropriately predict the palatability characteristics of the lean.

* * * * *

Yield grade. A designation which best reflects the proportion of retail cuts that may be expected from a beef carcass; or which may be expected from a lamb, yearling mutton, or mutton carcass.

2. The second sentence of § 2853.4 is revised to read as follows:

§ 2853.4 Kind of service.

* * * Class, grade, and other quality may be determined under said standards for meat of cattle, sheep or swine in carcass form only. * * *

3. Except for the first four sentences, all of § 2853.5 is deleted.

4. Section 2853.13, paragraph (b) is revised as follows:

§ 2853.13 Accessibility and refrigeration of products; access to establishments.

* * * * *

(b) Grading will be furnished for meat only if it is properly chilled, that is, so that the grade factors are developed to the extent that an accurate grade determination can be made. Determination of class, grade, or other quality of meat under the standards in Subpart B of this part will not be made if such meat is in a frozen state. Carcasses of all species shall be graded only in the establishments where the animals are slaughtered. Also, to be eligible for grading, beef carcasses must be ribbed for a minimum of 30 minutes prior to being offered for grading.

5. In § 2853.17, paragraph (a), the words "and wholesale cuts" are deleted.

6. In § 2853.17, paragraph (c), second sentence, the phrase "and eligible cuts from bull and bullock carcasses" is deleted.

Subpart B—Standards

CARCASS BEEF

7. Section 2853.102 is revised as follows:

§ 2853.102 Scope.

These standards for grades of beef are written primarily in terms of carcasses. However, they also are applicable to the grading of sides. To simplify phrasing of the standards, the words "carcass" and "carcasses" are used to also mean "side" or "sides." For purposes of these standards, a carcass is defined as the two sides of a slaughtered animal which result from splitting it lengthwise through its approximate median plane and after removal of: (1) the head, (2) the legs, (3) all viscera—including the kidneys and the thymus gland, (4) all kidney, pelvic, and heart fat, (5) all but two tail vertebrae, and (6) the spinal cord. The head shall be removed between the occipital bone and the first cervical vertebra, and the front and hind legs not below the knee and hock joints, respectively.

8. In § 2853.103, paragraph (b)(5), the last sentence is deleted.

9. In § 2853.104, paragraph (t) is deleted, paragraphs (u), (v), (w), and (x) are designated as (t), (u), (v), and (w), respectively; and paragraphs (a), (i), and (r) are revised as follows:

§ 2853.104 Application of standards for grades of carcass beef.

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated percent of closely trimmed, boneless retail cuts expected to be derived from the four major wholesale cuts of a carcass (round, loin, rib, and chuck) herein referred to as the "yield grade," and (2) the characteristics of the lean which most appropriately predict its palatability, herein referred to as the "quality grade." When officially graded, the grade of a steer, heifer, cow, or bullock carcass consists of both the quality grade and the yield grade. The yield grade designations must remain on all such grade-identified beef whose natural surface fat thickness is ½ inch thick or less at its thickest place on the carcass. Beef whose surface fat has been trimmed after grading to not more than ½ inch in thickness at any point may, as a result of such trimming, have the yield grademark removed. Retail beef cuts need not be yield grademarked. In those instances in which removal of the yield grade is permitted, the USDA grade shall consist of the quality grade designation only. The grade of a bull carcass consists of the yield grade only.

* * * * *

(i) To meet the demand of export trade, carcasses ribbed other than between the 12th and 13th ribs may be approved for grading by the Food Safety and Quality Service. In such cases, they shall be identified with the word "EXPORT" in such a manner that will clearly distinguish them from other officially graded beef.

* * * * *

(r) The yield grade of a beef carcass is determined by considering three characteristics: (1) The amount of external fat, (2) the area of the ribeye muscle, and (3) the hot carcass weight.

* * * * *

10. Section 2853.105 is revised as follows:

§ 2853.105 Specifications for official United States standards for grades of carcass beef (Yield).

(a) The yield grade of a beef carcass is determined on the basis of the following equation: Yield grade = 3.40 + (2.50 × adjusted fat thickness, inches) + (0.0038 × hot carcass weight, pounds) − (0.32 × ribeye area, square inches). In the above equation, hot carcass weight is the hot weight of the carcass as described in section 2853.102.

(b) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades.

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1 usually has only a thin layer of external fat over the ribs, loins, rumps, and clods, and slight deposits of fat in the flanks and cod or udder. There is usually a very thin layer of fat over the outside of the rounds and over the tops of the shoulders and necks. Muscles are usually visible through the fat in many areas of the carcass.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have twenty-five hundredths inch of fat over the ribeye and 12.0 square inches of ribeye.

(iii) A 775-pound carcass of this yield grade which is near the borderline of Yield Grades 1 and 2 might have thirty-five hundredths inch of fat over the ribeye and 16.5 square inches of ribeye.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2 usually is nearly completely covered with fat but the lean is plainly visible through the fat over the outside of the rounds, the top of shoulders, and the necks. There usually is a slightly thin layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is slightly thick. There are usually small deposits of fat in the flanks and cod or udder.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have forty-five hundredths inch of fat over the ribeye and 10.5 square inches of ribeye.

(iii) A 775-pound carcass of this yield grade which is near the borderline of Yield Grades 2 and 3 might have fifty-five hundredths inch of fat over the ribeye and 15.0 square inches of ribeye.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3 usually is completely covered with fat and the lean usually is visible through the fat only on the necks and the lower part of the outside of the rounds. There usually is a slightly thick layer of fat over the

loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is moderately thick. There usually are slightly large deposits of fat in the flanks and cod or udder.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have seven-tenths inch of fat over the ribeye and 9.5 square inches of ribeye.

(iii) A 775-pound carcass of this yield grade which is near the borderline of Yield Grades 3 and 4 might have eight-tenths inch of fat over the ribeye and 14.0 square inches of ribeye.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4 usually is completely covered with fat. The only muscles usually visible are those on the shanks and over the outside of the plates and flanks. There usually is a moderately thick layer of fat over the loins, ribs, and inside rounds and the fat over the rumps, hips, and clods usually is thick. There are large deposits of fat in the flanks and cod or udder.

(ii) A 475-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one and five-hundredths inch of fat over the ribeye and 9.0 square inches of ribeye.

(iii) A 775-pound carcass of this yield grade which is near the borderline of Yield Grades 4 and 5 might have one and fifteen-hundredths inch of fat over the ribeye and 13.5 square inches of ribeye.

(5) *Yield Grade 5.* A carcass in Yield Grade 5 usually has more fat on all of the various parts and a smaller area of ribeye than a carcass in Yield Grade 4.

VEAL AND CALF CARCASSES

11. Section 2853.112 is revised as follows:

§ 2853.112 Scope.

These standards for grades of veal and calf are written primarily in terms of carcasses. However, they also are applicable to the grading of sides. To simplify the phrasing of the standards, the words "carcass" and "carcasses" are used also to mean "side" or "sides."

12. In § 2853.115, the first sentence in paragraph (d) is deleted; in the first sentence of paragraph (e), the words "or portions of such carcasses" are deleted; and in paragraph (g) the last sentence is deleted.

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

13. In § 2853.123, paragraph (c)(5) is revised as follows:

§ 2853.123 Application of standards.

* * * * *

(c) *Yield Grade*

* * * * *

(5) The yield grade descriptions are defined primarily in terms of carcasses. However, the yield grade standards also are applicable to the grading of sides.

14. In § 2853.127, paragraph (b) is deleted and paragraph (c) is designated as paragraph (b).

A draft Impact Analysis of this proposal has been prepared in accordance with Federal Docket 77-33571 and is available from the Hearing Clerk, Room 1077 South, United States Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on this 19th day of January, 1978.

ROBERT ANGELOTTI,
Administrator, Food Safety and Quality Service.

[FR Doc. 78-2065 Filed 1-20-78; 11:24 am]

[3410-37]

[9 CFR Parts 316 and 317]

GRADE MARKING

NOTE.—This document originally appeared in the FEDERAL REGISTER for Monday, January 23, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule will amend the Federal meat inspection regulations by adding marking and labeling requirements that all carcasses, parts, and meat of cattle and sheep be identified by USDA quality grade or as ungraded. There has been an ever increasing use of quality grades by industry and a dependence on quality grades by consumers. In conjunction with related changes proposed in grade standards and grading regulations in 7 CFR 2853, this proposal is intended to assure that consumers will not be misled when shopping for meat.

DATE: Comments must be received on or before May 1, 1978.

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

FOR ADDITIONAL INFORMATION ON COMMENTS, SEE SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: *Comments.* Interested persons are invited to submit written comments concerning this proposal. All comments must be sent in duplicate to the Hearing Clerk. Comments should show specific parts of the proposal(s) to which reference is intended. Also, views may be presented at four public hearing sessions to be held in March. Details are shown in a related proposal to change meat grading standards and regulations (7 CFR 2853) appearing elsewhere in this issue of the FEDERAL REGISTER. Comments on this proposal and the grading proposal may be combined. All written comments submitted pursuant to this notice and the transcript of the public hearing will be made available for public inspection in the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Background. A discussion of the background and reasons for these proposed amendments to the Federal meat inspection regulations is included in the supplementary information section of a proposal to amend the meat grading standards and regulations (7 CFR 2853) included elsewhere in this issue of the FEDERAL REGISTER.

Accordingly, it is proposed that Parts 316 and 317 of the Federal meat inspection regulations (9 CFR 316 and 317) be amended as set forth below.

1. A new § 316.17 (9 CFR 316.17) is added to read as follows:

§ 316.17 Grade marking.

(a) Any carcass or part thereof of cattle or sheep required under the regulations in this Part 316 to be marked with the official inspection legend shall also be marked with the appropriate USDA quality grade, or, if ungraded, shall be marked "U.S. Ungraded." A USDA grademark shall be applied only under the supervision of Food Safety and Quality Service employees and in the manner prescribed under the regulations in 7 CFR 2853. A "U.S. Ungraded" statement shall be applied continuously and roller marked in letters not less than ¼ inch in height with the letters appearing in not less than 1 inch intervals. Any such carcass, part, or meat cut which has previously been marked with a USDA quality grade and from which said mark has been removed by trimming must either be remarked in accord with this section or labeled with the appropriate USDA quality grade in the type size required by § 317.20.

(b) The requirements of this section shall also be applicable to any such carcass, part, or meat in a retail store which is not required to be marked with the official inspection legend because it has been prepared in compliance with the retail exemptions in Part 303 of this subchapter.

2. A new section 317.20 (9 CFR 317.20) is added to read as follows:

§ 317.20 Grade labeling.

All immediate and shipping containers of any parts of cattle or sheep shall be labeled with the appropriate USDA quality grade, or, if ungraded, shall be labeled as "U.S. Ungraded." The labeling required by this section shall appear on the principal display panel in type size not smaller than that required for the net weight declaration in § 317.2(h) of this part.

A draft impact analysis of this proposal has been prepared in accordance with Federal Docket 77-33571 and is available from the Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on this 19th day of January 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc. 78-2066 Filed 1-20-78; 11:24 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 172, 182, and 184]

[Docket No. 77N-0039]

ALGINATES

Affirmation of GRAS Status With Certain Limitations

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of ammonium, calcium, potassium, and sodium alginates as direct human food ingredients with specific limitations, and to amend the food additive regulation for propylene glycol alginate. The safety of these ingredients has been evaluated pursuant to the comprehensive safety review being conducted by the agency.

DATES: Comments by March 28, 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 Miles, Bureau of Food (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: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS), or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices, and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of ammonium, calcium, potassium, sodium, and propylene glycol alginates has been evaluated. In accordance with the provisions of §§ 170.35 and 171.1, the Commissioner proposes to affirm the GRAS status of ammonium, calcium, potassium, and sodium alginates with specific limitations, and to amend the food additive regulation for propylene glycol alginate.

Alginic acid, the acid from which the alginates are made, is a natural polyuronide constituent of several species of brown algae, red algae, and bacteria. It is a linear polymer that contains 1:4 linked β-D-mannuronic and α-L-guluronic acid residues. The various derivatives are made by the appropriate treatment of alginic acid. The ammonium, calcium, potassium, and sodium salts of alginic acid are listed in §§ 182.7133, 182.7187, 182.7610, and 182.7724 as GRAS for use in food as stabilizers, pursuant to regulations published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938), and subsequently recodified.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which the alginates were 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 these ingredients. In 1970, the use of alginates in food was about 2.4 million pounds, almost twice the 1960 total. Only the salts and the ester of alginic acid were used because the acid has limited solubility in water.

The alginates have 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 374 abstracts on alginates was reviewed and 41 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 (hereafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Results of many studies in a variety of animal species suggest that orally administered alginates are of relatively low toxicity. Nilson and Wagner studied the effects of adding propylene glycol alginate or sodium alginate at various levels in the diet of mice for one year, chicks for 7 weeks, rats for 10 weeks, guinea pigs for 26 weeks, and cats for about 14 weeks. In general, no toxic effects were noted in diets containing 5 percent alginate, and in some species higher levels were without toxicity and did not cause a decrease in rate of gain. Dogs given sodium alginate or propylene glycol alginate at 5 or 15 percent of the diet for 1 year also showed no adverse effects.

There is some uncertainty concerning digestion and absorption of alginates in experimental animals; the question relates to the degree of "digestion" by intestinal enzymes or degradation by intestinal flora and subsequent absorption. Viola et al. concluded that sodium alginate is digested and absorbed by rats. Nilson and Wagner indicated that bacterial enzymes were responsible for algin breakdown. Studies using ^{14}C-labeled sodium or propylene glycol alginates revealed no digestion or absorption in rat or mouse feeding trials.

Sodium alginate decreases the intestinal absorption of strontium and to a lesser extent several other metal ions, including calcium, magnesium, iron, copper, zinc, barium, tin, cadmium, manganese, and mercury, but not lead or cobalt. These studies designed primarily to measure absorption of radionoclides from food, did not indicate any toxic manifestations of oral administration of the alginate.

Little is known about the digestion and absorption of alginates in man. Millis and Reed gave six human subjects 8 g of sodium alginate per day for 7 days, with no interference with the absorption of calcium or other adverse effects, and Feldman et al. gave four men 45 g of alginic acid per day for 7 days with only a mild laxative effective and a slight increase in fecal excretion of sodium and potassium.

The toxicity of parenterally administered alginates depends upon the salt. Calcium alginate given intravenously to rats has and LD_{50} of 64 mg per kg, and sodium alginate under the same conditions has an LD_{50} of 1000 mg per kg. Presumably, the rather insoluble calcium salt precipitates and causes emboli. Sodium alginate given intravenously in mice or rabbits is considerably more toxic than when given intraperitoneally, but the intraperitoneal injection of from 100 to 250 mg per

kg of sodium alginate produced damage to the tubular epithelium of the kidneys and liver necrosis in cats.

Mutagenic tests with propylene glycol alginate on rats and mice using three different methods gave negative results. There was no measurable mutagenic response or alternation in the recombination frequency for *Saccharomyces cerevisiae* in either the host-mediated assay or in the *in vitro* tests on *Salmonella typhimurium*, but an increased mitotic recombination frequency was observed when *S. cerevisiae* was exposed to 1 percent propylene glycol alginate. No adverse effects were observed on either metaphase chromosomes from rat bone marrow or anaphase chromosomes from *in vitro* cultures of human lung cells. No significant adverse responses were noted in the dominant lethal gene test on rats. The Select Committee has no information available as to the mutagenic effects of ammonium, calcium, potassium, or sodium alginates.

Teratologic tests with propylene glycol alginate on mice, rats, and hamsters produced negative results. Oral intubation of up to 170 mg per kg of the test compound in anhydrous corn oil (1.0 ml per kg of body weight) to pregnant mice from day 6 through day 15 of gestation exerted no clearly discernible effect on nidation or on maternal or fetal survival. The frequency of abnormalities in either the soft tissues or skeletal tissues of the fetuses in the test groups did not differ from that occuring spontaneously in the sham-treated controls. However, in a group of pregnant mice dosed at a level of 780 mg per kg daily (day 6 through day 15 of gestation), a significant number of maternal deaths occurred (7 out of 32) and there was an increased number of resorptions (early fetal deaths). Pregnant rats given up to 720 mg per kg per day for 10 days (day 6 through day 15 of of gestation) showed no teratologic effects and negative results were obtained with pregnant hamsters given up to 700 mg per kg per day for 5 days (day 6 through day 10 of gestation). Propylene glycol, evaluated in an identical test procedure, was not teratogenic for mice, rats, hamsters, and rabbits, and maternal toxicity was not observed even at very high dosage. The Select Committee is not aware of any data on the teratologic effects of ammonoum, calcium, potassium, or sodium alginates.

In tests with infant Swiss albino mice, Epstein et al. found no increase in tumors after several subcutaneous injections of alginic acid (total dose, 60 mg). No other carcinogenicity studies on the alginates have been found.

No allergic reactions to the alginates have been reported. Both sodium alginate and propylene glycol alginate were found to be nonirritating when applied to rabbits' eyes and skin.

All of the available safety information on alginates has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

"The available information on the alginates reveals no significant adverse toxicological effects from oral administration in nonpregnant animals or humans in daily amounts greatly exceeding those currently consumed in the diet. However, in pregnant mice, very large doses of propylene glycol alginate, while not teratogenic, cause a significant increase in maternal mortality. Such increased maternal toxicity does not occur at a dose of propylene glycol alginate which is 26-fold greater than that estimated to be the average daily adult dietary intake. No information is available concerning the behavior of other alginates in this respect but studies of propylene glycol, made by the same investigators using the same test procedure, have demonstrated that it is not teratogenic and is without maternal toxicity even at very large doses. This indicates that the adverse effects reported for propylene glycol alginate may be due to the alginate moiety.

"It is noteworthy that similar toxic effects have been observed in identical tests on a large number of other polysaccharides (gum arabic, sterculia gum, carob bean gum, guar gum, gum ghatti, gum tragacanth, carrageenan, methyl cellulose, and agar-agar) fed at very high levels. The relative sensitivity of the several animal species to these effects varies depending on the particular polysaccharide tested, but in all cases very large doses are required. Until these effects have been adequately explained, it appears to be inappropriate to conclude that unrestricted use of such substances in food would be without hazard."

It is the conclusion of the Select Committee that there is no evidence in the available information on ammonium, calcium, potassium, sodium, and propylene glycol alginates that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption of these substances would constitute a dietary hazard. Based upon his own evaluation of available information on the alginates (including reports of mutagenic tests on ammonium, potassium and sodium alginates, which were not available when the Select Committee formed its conclusion), the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of these ingredients requires specific limitations to preserve current conditions of use.

Although propylene glycol alginate is not on the GRAS list, its safety was evaluated during the safety review of the GRAS listed alginates. The ingredient is listed in § 172.858 (21 CFR 172.858) for use in food as an emulsifier, stabilizer, and thickener. However, several additional uses of this substance were reported to the National Academy of Sciences/National Research Council (NAS/NRC) in their survey of food manufacturers. It was reported to be used as a flavoring agent, formulation aid and surfactant. As noted in the paragraph above, the Select Committee concluded, and the Commissioner concurred, that there is no evidence in the available information which indicates that propylene glycol alginate is a health hazard when used at levels that are current and in the manner now practiced. Consequently, the Commissioner is reasonably certain that the uses of this ingredient under § 172.858 Propylene glycol alginate are safe and further that § 172.858 should be amended to provide for the uses revealed in the NAS/NRC survey.

There are several other uses of the alginates regulated as food additives. In § 173.340, propylene glycol alginate can be used in food processing as a defoaming agent, in § 172.210 as a defoamer and dispensing adjuvant in coatings for fresh citrus fruit, and in §§ 176.170 and 176.180 as a component in paper and paperboard food-packaging materials. Ammonium and sodium alginates are listed in § 173.310(c) as compounds from which boiler water additives can be prepared. During the safety review of the alginates, the Commissioner considered these uses and concludes that they do not affect the decision to affirm the GRAS status of ammonium, calcium, potassium, and sodium alginates. This proposed action does not affect the uses cited in this paragraph.

Also, the Commissioner is concerned that harmful concentrations of heavy metals may be accumulated in commercial alginates, particularly if algae are harvested from coastal waters contaminated with significant levels of heavy metals. Heavy metals, such as mercury, have been found in aquatic animal life at levels exceeding those which are considered safe for human ingestion. Further, the current Food Chemicals Codex limitation of "heavy metals as lead" lacks the element specificity that modern analytical methods can provide. Therefore, the Commissioner will investigate the background levels of individual heavy metals (arsenic, cadmium, lead, mercury, selenium and zinc) in samples of these alginate salts during the comment period on this proposal. If the investigation indicates that specific heavy metal specifications need be adopted for the continued safe use of

the ingredients, those specifications will be adopted as part of the final regulations. All available data and information on the heavy metal contents of these alginate salts are solicited as comments on this proposal.

The levels of use adopted in this proposal for various categories of food are the maximum levels reported to the NAS/NRC in their survey of food manufacturers. Use of any of these ingredients in any manner not permitted by the proposed regulations will result in its becoming a food additive for which no regulation currently exists.

Copies of the scientific literature review on alginates, reports of teratogenic and mutagenic tests for propylene glycol alginate, reports of mutagenic tests for ammonium, potassium and sodium alginates, 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[1]
Alginates (scientific literature review).	PB-221-226	A04	$4.50
Propylene glycol alginate (teratology tests).	PB—221-786	A03	4.00
Propylene glycol alginate (mutagenic tests).	PB—221-826	A06	5.50
Propylene glycol alginate (mutagenic tests, tier I).	PB—245-497/AS.	A03	4.00
Ammonium alginate (mutagenic tests).	PB—245-515/AS.	A03	4.00
Potassium alginate (mutagenic tests).	PB—245-496/AS.	A03	4.00
Sodium alginate (mutagenic tests).	PB—245-516/AS.	A03	4.00
Alginates (Select Committee report).	PB—265-503/AS.	A02	3.50

[1]Price subject to change.

This proposed action does not affect the present use of alginates 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 172, 182, and 184 be amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. In § 172.858 by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 172.858 Propylene glycol alginate.

The food additive propylene glycol alginate (CAS Reg. No. PM9005-37-2) may be used as an emulsifier, flavoring adjuvant, formulation aid, stabilizer, surfactant or thickener in foods in accordance with the following prescribed conditions:

(a) The additive meets the specifications of the Food Chemicals Codex, 2d ed. (1972) as amended by the first supplement,[1] and shall have up to 85 percent of the carboxylic acid groups esterified with the remaining groups either free or neutralized.

(b) The additive is used or intended for use in the following foods when standards of identity established under section 401 of the act do not preclude such use:

(1) As a stabilizer in ice cream, frozen custard, ice milk, fruit sherbet, and water ices at a level not to exceed 0.5 percent by weight of the finished product.

(2) As an emulsifier, flavoring adjuvant, stabilizer, or thickener in baked goods at a level not to exceed 0.5 percent by weight of the finished product.

(3) As an emulsifier, stabilizer, or thickener in cheeses and in fats and oils at a level not to exceed 0.9 percent by weight of the finished product.

(4) As an emusifier, stabilizer, or thickener in gelatins and puddings at a level not to exceed 0.5 percent by weight of the finished product.

(5) As a stabilizer or thickener in gravies at a level not to exceed 0.5 percent by weight of the finished product.

(6) As a stabilizer or thickener in sweet sauces at a level not to exceed 0.4 percent by weight of the finished product.

(7) As an emulsifier, flavoring adjuvant, formulation aid, stabilizer, or thickener, and surface active agent in other foods, where applicable, at a level not to exceed 0.1 percent by weight of the finished product.

* * * * *

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.7133, 182.7187, 182.7610 and 182.7724 [Deleted]

2. By deleting §§ 182.7133 Ammonium alginate, 182.7187 Calcium alginate, 182.7610 Potassium alginate, and 182.7724 Sodium alginate.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new §§ 184.1133, 184.1187, 184.1610 and 184.1724 to read as follows:

§ 184.1133 Ammonium alginate.

(a) Ammonium alginate (CAS Reg. No. PM9005-34-9) is the ammonium salt of alginic acid, a natural polyuronide constituent of certain brown and red algae. Ammonium alginate is prepared by the neutralization of purified alginic acid with ammonium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972) as amended by the first supplement.[1]

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

MAXIMUM USAGE LEVELS PERMITTED

Foods (as served)	Percent	Functions
Confections, frostings, § 170.3(n)(9) of this chapter	0.4	Stabilizer, thickener, § 170.3(o)(28) of this chapter.
Fats and oils, § 170.3(n)(12) of this chapter	.5	Do.
Gelatins, puddings, § 170.3(n)(22) of this chapter	.5	Do.
Gravies and sauces, § 170.3(n)(24) of this chapter	.4	Do.
Jams and jellies, § 170.3(n)(28) of this chapter	.4	Do.
Sweet sauces, § 170.3(n)(43) of this chapter	.5	Do.
All other food categories	.1	Humectant, § 170.3(o)(16) of this chapter; stabilizer, thickener, § 170.3(o)(28) of this chapter.

§ 184.1187 Calcium alginate.

(a) Calcium alginate (CAS Reg. No. PM9005-35-0) is the calcium salt of alginic acid, a natural polyuronide constituent of certain brown and red algae. Calcium alginate is prepared by reacting purified alginic acid with calcium chloride.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972) as amended by the first supplement.[1]

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

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

MAXIMUM USAGE LEVELS PERMITED

Foods (as served)	Percent	Functions
Gelatins, puddings, § 170.3(n)(22) of this chapter	0.25	Stabilizer, thickener, § 170.3(o)(28) of this chapter.
Gravies and sauces, § 170.3(n)(24) of this chapter	.1	Do.
All other food categories	.002	Do.

§ 184.1610 Potassium alginate.

(a) Potassium alginate (CAS Reg. No. PM9005-36-1) is the potassium salt of alginic acid, a natural polyuronide constituent of certain brown and red algae. Postassium alginate is prepared by the neutralization of purified alginic acid with potassium bicarbonate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972) as amended by the first supplement.[1]

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

MAXIMUM USAGE LEVELS PERMITTED

Foods (as served)	Percent	Functions
Confections and frostings, § 170.3(n)(9) of this chapter.	0.1	Stabilizer, thickener, § 170.3(o)(28) of this chapter.
All other food categories	.01	Do.

§ 184.1724 Sodium alginate.

(a) Sodium alginate (CAS Reg. No. PM9005-38-3) is the sodium salt of alginic acid, a natural polyuronide constituent of certain brown and red algae. Sodium alginate is prepared by the neutralization of purified alginic acid with sodium bicarbonate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d ed. (1972) as amended by the first supplement.[1]

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

MAXIMUM USAGE LEVELS PERMITTED

Food (as served)	Percent	Functions
Baked goods and baking mixes, § 170.3(n)(1) of this chapter.	0.33	Stabilizer, thickener, § 170.3(o)(28) of this chapter.
Gelatins and puddings, § 170.3(n)(22) of this chapter	4.0	Firming agent, § 170.3(o)(10) of this chapter; flavor adjuvant, § 170.3(o)(12) of this chapter; stabilizer, thickener, § 170.3(o)(28) of this chapter.
Hard candy, § 170.3(n)(25) of this chapter	10.0	Stabilizer, thickener, § 170.3(o)(28) of this chapter.
All other food categories	1.0	Emulsifier, § 170.3(o)(8) of this chapter; firming agent, § 170.3(o)(10) of this chapter; flavor enhancer, § 170.3(o)(11) of this chapter; flavor adjuvant, § 170.3(o)(12) of this chapter; processing aid, § 170.3(o)(24) of this chapter; stabilizer and thickener, § 170.3(o)(28) of this chapter; surface active agent, § 170.3(o)(29) of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, 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 March 28, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: January 23, 1978.

JOSEPH P. HILE,
Associate Commissioner, for Compliance.

[FR Doc. 78-2302 Filed 1-26-78; 8:45 am]

[1505-01]

[21 CFR Part 291]

[Docket No. 77N-0252]

METHADONE IN MAINTENANCE AND DETOXIFICATION

Joint Proposed Revision of Conditions for Use

Correction

In FR Doc. 77-31163 appearing at page 56897 in the issue for Friday, October 28, 1977, make the following corrections:

(1) On page 56899, in the first column in the first paragraph beneath the center heading "MINIMUM URINE TESTINGS; USES AND FREQUENCY", in the seventh line, the word "any" should read "and".

(2) On page 56901, in the middle column, in § 291.505(d)(3)(i)(c), begin-

ning in the eleventh line, the sentence "Withdrawal signs may be observed during the initial period of abstinence.", should be deleted.

(3) On page 56905, in the first column, in § 291.505(d)(8)(i)(c), in the first line, "resume" should read "assume".

(4) On page 56907, in the first column, in § 291.505(f)(2)(viii), in the fifth line, between the words "responsible" and "official" insert the word "hospital".

[1505-01]

[21 CFR Parts 431 and 514]

[Docket No. 77N-0117]

CERTIFICATION OF ANTIBIOTIC DRUGS

Revised Requirements for Submission of Requests for Batch Certification

Correction

In FR Doc. 77-20306, appearing at page 36492 in the issue for Friday, July 15, 1977, in the first column on page 36493, the fourteenth line of the paragraph numbered "2" should be omitted. The line reads: "cording to type of test and that the list".

In the issue for Tuesday, August 23, 1977, on page 42361, middle column, please disregard number "3" in the correction document as it refers to the correction above.

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1990]

IDENTIFICATION, CLASSIFICATION AND REGULATION OF TOXIC SUBSTANCES POSING A POTENTIAL OCCUPATIONAL CARCINOGENIC RISK

Extensions of Time for Written Submissions; Rescheduling of Hearing

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

ACTION: Extensions of time to file notices of intention to appear, written comments, testimony and documentary evidence; and rescheduling of rulemaking hearing.

SUMMARY: This notice extends the time for written submissions concerning the rulemaking proceeding on the "cancer policy" proposed on October 4, 1977 (42 FR 54148) and provides an additional opportunity for the public to submit responses to previously submitted witness statements. The rulemaking hearing is also rescheduled.

DATES: February 28, 1978: for submitting written comments, notices of intention to appear, witness statements and documentary evidence from the public. April 4, 1978: for submitting all testimony and documentary evidence from OSHA witnesses. April 25, 1978: for the public to submit additions to testimony. May 16, 1978: for the rulemaking hearing.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, Occupational Safety and Health Administration, 3rd Street and Constitution Avenue NW., Room N3641, Washington, D.C. 20210, telephone 202-523-8151.

SUPPLEMENTARY INFORMATION: On October 4, 1977, a notice was published in the FEDERAL REGISTER (42 FR 54148) of a proposed new general regulation concerning the identification, classification and regulation of toxic substances that may pose a carcinogenic risk to workers.

The notice scheduled a rulemaking hearing and set deadlines for the submission of Agency and public statements and comments. A later FEDERAL REGISTER notice (42 FR 60753) extended these deadlines.

Subsequently, several interested parties requested additional extensions of time to submit their witness statements. The bases for the requests are the broad scope of the hearing and, in some cases, the desire to make unified presentations requiring time for organization. OSHA has also been asked to give interested parties an additional opportunity to present evidence in response to OSHA's witness statements.

OSHA has decided to grant these requests as set forth below. In all other respects the procedures and requirements of the October 4, 1977 FEDERAL REGISTER notice apply.

SUBMISSION OF WRITTEN COMMENTS

Written comments from interested parties must be submitted no later than February 28, 1978. Comments must be submitted in quadruplicate to the Docket Officer, Docket No. H-090, Technical Data Center, Room S-6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, Telephone: 202-523-7396.

FILING OF NOTICES OF INTENTION TO APPEAR AND STATEMENTS OF WITNESSES AND DOCUMENTARY EVIDENCE FROM THE PUBLIC

Notices of intention to appear, documentary evidence and witness statements must now be submitted no later than February 28, 1978. They must be received by the OSHA Division of Consumer Affairs, Docket No. H-090, Room N3635, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024 by February 28, 1978.

LIMITED OPPORTUNITY TO ADD TO WITNESS STATEMENTS

Parties who have timely filed their witness statements and documentary evidence may supplement these statements to respond specifically to evidence introduced in witness statements which the party shows could have not been anticipated from OSHA's proposal. These additional statements must be brief in comparison to the party's original submission. They must indicate clearly which specific data or evidence in a particular witness statement is being discussed. Absent extraordinary circumstances, no supplemental witnesses will be permitted to testify regarding these additional statements.

RESCHEDULING OF PUBLIC HEARING

The informal public hearing on the cancer policy is rescheduled to commence at 9:30 a.m. on May 16, 1978 in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C.

In all other respects, the notice of October 4, 1978 (42 FR 54148) remains in effect.

Signed at Washington, D.C., this 24th day of January, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-2377 Filed 1-26-78; 8:45 am]

[4110-87]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[30 CFR Parts 70 and 71]

COAL MINE HEALTH NOISE STANDARD

Use of Noise Dosimeters

AGENCY: National Institute for Occupational Safety and Health (NIOSH).

ACTION: Findings of fact.

SUMMARY: This notice contains findings of fact from the public hearing held on September 29, 1977, concerning proposed amendments to the coal mine health noise standard (30 CFR Parts 70 and 71). The amendments, published on June 2, 1977 (42 FR 28151), proposed to permit the use of noise dosimeters for determining noise exposure of workers in coal mines.

FOR FURTHER INFORMATION CONTACT:

B. Thomas Scheib, Chief, Coal Mine Standards Activity, Division of Criteria Documentation and Standards Development, NIOSH, 5600 Fishers Lane, Room 8A-44, Rockville, Md. 20857, phone 301-443-4614.

SUPPLEMENTARY INFORMATION: Section 101(g) of the Federal Coal

Mine Health and Safety Act of 1969 (30 U.S.C. 811(g)), hereinafter referred to as the "Act," provides, in part, that within 60 days after completion of any public hearing on proposed mandatory health or safety standards, the Secretary who held the hearing shall make findings of fact which shall be public.

Proposed amendments to 30 CFR Parts 70 and 71 which would permit the use of personal noise dosimeters to meet the measurement requirements of the coal mine health noise standard were developed by NIOSH under section 101 of the Act and transmitted to the Secretary of the Interior for publication in accordance with the Act. The amendments were published under a notice of proposed rulemaking on June 2, 1977, at 42 FR 28151, and interested parties were afforded a period of 45 days within which to submit written comments, suggestions, and objections and to request a public hearing. On August 23, 1977, the Secretary of the Interior, in accordance with section 101(f) of the Act, published a notice (42 FR 42362) that objections to the amendments had been filed stating the specific grounds for such objections and that a public hearing had been requested. Following the notice, the Department of Health, Education, and Welfare published a notice fixing the time and place of a hearing (42 FR 43646) to be held for the purpose of receiving relevant evidence on the following issues:

(1) Whether promulgation of the proposed changes in the coal mine health noise standard should be delayed until after the draft American National Standards Institute (ANSI) Standard Specification for Personal Noise Dosimeters S1.25 is finalized and approved;

(2) Whether the requirement § 70.505, that sound level meters meet ANSI, "Specification for Sound Level Meters", S1.4-1971 (Type S2A) should be revised to require that only sound level meters certified by NIOSH be permitted to be used;

(3) Whether the noise dosimeter is a reliable and accurate instrument and whether its use in underground and surface coal mines is desirable; and

(4) Whether the cost of using noise dosimeters to determine noise exposure in coal mines would be prohibitive.

The hearing on the proposed amendments to the coal mine health noise standard was held on September 29, 1977, at the Department of Health, Education, and Welfare. Presentations were made by the following organizations: Mining Enforcement and Safety Administration, GenRad Corp., the National Institute for Occupational Safety and Health, Bituminous Coal Operator's Association, Inc., Jim Walters Resources, and Quest Electronics. The official hearing record remained open until October 31, 1977, in order to receive supplemental information from interested parties, and to receive the results of research which was in progress at the time of the hearing. A verbatim transcript of the proceeding together with other supporting information is available for public inspection during regular business hours at the National Institute for Occupational Safety and Health, Room 8-11, Parklawn Building, 5600 Fishers Lane, Rockville, Md.

FINDINGS

On the basis of the evidence presented at the public hearing and on other information available to the Department, the Director, National Institute for Occupational Safety and Health, under authority delegated from the Secretary of Health, Education, and Welfare and the Assistant Secretary for Health (35 FR 11150), finds:

1. With respect to delaying promulgation of the proposed amendments to the coal mine health noise standard until after approval of the American National Standards Institute Standard Specification for Personal Noise Dosimeters (S1.25), that:

(a) While there are no current national standards which specify operating tolerances and electro-acoustic tests for personal noise dosimeters, such equipment has been manufactured to operate within tolerances of Type S2A sound level meters as specified by the American National Standards Institute (ANSI S1.4(1971)).

(b) Under the present coal mine health noise standard, noise level measurements are taken only with instruments which are approved by the Bureau of Mines or the Mining Enforcement and Safety Administration and which meet the operational specifications of the American National Standards Institute for sound level meters S1.4-1971 (Type S2A).

(c) Personal noise dosimeters are currently being used to assess employee noise exposure for compliance purposes by several industries, by State agencies, and by Federal inspectors representing the Occupational Safety and Health Administration and the Metal and Nonmetal Division of the Mining Enforcement and Safety Administration.

(d) Publication of an American National Standards Institute standard specification for personal noise dosimeters will not necessarily result in conformance of all personal noise dosimeters to the specifications or requirements of the standard, or uniformity of performance in equipment produced by a given manufacturer.

(e) The testing criteria and tolerances adopted by the Mining Enforcement and Safety Administration to determine acceptability of personal noise dosimeters represent a major advancement in the characterization of equipment performances necessary for accurate measurement of coal miner noise exposure. However, as a minimum, a criterion for performance at dosimeter threshold (the level at which the dosimeter begins to record noise exposure) should be added to the list of test criteria, and the model acceptance criteria by MESA, requiring that only one out of three instruments pass all test criteria, should be improved in order to guarantee uniformity of measurement devices for compliance purposes. Adoption of these provisions would necessitate a review and possible revision of the list of personal noise dosimeters currently accepted by the Mining Enforcement and Safety Administration.

(f) Under the circumstances, delaying the amendments permitting the use of personal noise dosimeters until publication of the final ANSI standard at some future time is not justified.

2. With respect to replacing the requirement in § 70.505, that sound level meters meet ANSI, "Specification for Sound Level Meters", S1.4-1971 (Type S2A) with the requirement that only sound level meters certified by NIOSH be used, that:

Notice of this proposed change was insufficient to apprise the public of the issue involved.

3. With respect to the desirability, reliability, and accuracy of the personal noise dosimeter, that:

(a) Use of personal noise dosimeters is desirable and necessary for the prevention of occupational disease in that the determination of the noise exposure for approximately 11,000 coal miners employed in high noise occupations cannot be determined by conventional hand-held sound level meter procedures because the nature of their work conditions pose a safety hazard to the person conducting the noise survey.

(b) Data and information available from one state agency and one Federal agency routinely using personal noise dosimeters to assess employee noise exposure indicate that the personal noise dosimeter is a highly reliable measurement instrument with annual failure rates of less than 4.5 percent. Most failures are attributable to microphone interferences resulting in an inability of the instrument to achieve calibration tolerances. Thus, there is a need for annual recalibration of personal noise dosimeters including, as a minimum, frequency response testing and visual inspection of the microphone for any foreign matter or defects.

(c) Equipment vibration levels, electromagnetic field, relative humidity, and temperatures found in coal mines are unlikely to affect dosimeter performance.

(d) Inadvertent and extraneous noises may be integrated by personal

noise dosimeters, thus, affecting dosimeter readings; however, this problem can be minimized by spot checking of noise levels with sound level meters, or by full-shift observation of the measurement by a "qualified" person as is required for supplemental noise surveys in § 70.509(b) of the current coal mine health noise standard.

(e) Field and laboratory comparisons of personal noise dosimeters with other noise survey instruments or systems meeting ANSI S1.4-1971 tolerances for type I or type II instruments, indicate that noise dosimeters will yield comparable results to these other noise measurement instruments.

(f) Instrument errors (including calibrator error) are less than 1 dB, and these errors combined with other possible errors associated with microphone placement and calibration drift will be within the +2 dBA tolerance permitted by the Mining Enforcement and Safety Administration for purposes of citing noise violations.

4. With regard to the cost of personal noise dosimeters, that:

The cost of personal noise dosimeters is, on the average, only slightly higher than the cost of sound level meters meeting ANSI S1.4-1971 type S2A specifications, and in some models of personal dosimeters the cost is less than the comparable type S2A sound level meter for purchases of multiple units.

Dated: January 24, 1978.

J. DONALD MILLAR,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 78-2407 Filed 1-26-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1241]

[No. 36557]

ANNUAL, SPECIAL OR PERIODIC REPORTS

Reporting Railroad Track Maintenance

AGENCY: Interstate Commerce Commission.

ACTION: Postponement of report and order.

SUMMARY: The Commission has voted to postpone the issuance of the Report and Order in the above entitled proceeding (42 FR 32819, June 28, 1977) until April 15, 1978, as provided for in section 17(9)(e) of the Interstate Commerce Act (49 U.S.C. 17). This proceeding has been extended in order to obtain additional clarification of specific issues related to reporting railroad track maintenance and, a related topic, depreciation and betterment accounting for railroad track structures. The Commission believes that clarification of the specific issues related to these topics can best be obtained through participation of interested parties in an informal conference. The Informal Conference will be held by the Commission on February 15, 1978, in Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone No.: 202-275-7448.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2287 Filed 1-26-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6050-01]

ACTION

PRIVACY ACT OF 1974

Notice of New System of Records

AGENCY: ACTION.

ACTION: Notification of Privacy Act system of records.

SUMMARY: This notice is published to inform the public that ACTION proposes to establish a system of records titled Former Volunteer/Staff Resource Record (AF/FVL-1). The purpose of this system is to offer former ACTION volunteers and staff an opportunity to participate in a resource group which will take part in furthering the mission of ACTION to mobilize people for voluntary action at home and abroad. Any interested person may submit written views, comments or other data to our Office of the General Counsel.

DATES: Comments must be received on or before February 27, 1978.

ADDRESS: ACTION, 806 Connecticut Avenue NW., Office of the General Counsel, Room 607, Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT:

Mr. John F. Nolan, Administration and Finance, ACTION, Washington, D.C. 20525, 202-254-8105.

System name:

Former Volunteer/Staff Resource Record (AF/FVL-1).

System location:

ACTION, Office of Former Volunteer Liaison, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system:

All former staff and volunteers.

Categories of records in the system:

Individual former staff and former volunteer files containing the following information about the particular individual; name, current address; current home and business phone number, social security number; date of birth; next of kin name and address; preservice, service, and post-service education, employment and training experience; trade skills; language skills; educational level; teaching experience; current interest in voluntary service; type of volunteer/staff duty assignments and location of assignments.

Authority for maintenance of the system:

The Peace Corps Act, as amended (22 U.S.C. 2501, et seq.); and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this file will be used by the ACTION agency to involve former staff and volunteers with policy formation, program evaluation, recruitment, foreign and domestic disaster relief, and to keep up-to-date addresses for mailing publications and public affairs releases.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Files are maintained on magnetic discs and tapes which are stored in a locked room when not in immediate use in a building with a 24-hour guard.

Retrievability:

Records are indexed by categories such as skills, social security number, and alphabetical order.

Safeguards:

Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and disposal:

Records are begun following end of staff and/or volunteer service and retained for the "life" of the volunteer/staffer. These records have no present destruction data and are now expected to be destroyed 50 years after establishment.

System manager and address:

Coordinator, Office of Former Volunteer Liaison, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Record source categories:

Information supplied by former staff and former volunteers.

Notification, access and contest procedures:

Individuals wishing to see information in their records, inquire if this system of records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service if known, location of service and type of volunteer (peace Corps or VISTA) or staff. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue NW., Washington, D.C. All inquiries should have "Privacy Act Request" noted on the envelope.

This notice is issued in Washington, D.C., on January 24, 1978.

SAM BROWN,
Director.

[FR Doc. 78-2226 Filed 1-26-78; 8:45 am]

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

JAPANESE BEETLE QUARANTINE AND CONTROL PROGRAM

Notice of Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings.

SUMMARY: Meetings are to be held in order to provide a public forum for a discussion of the status of the Japanese beetle quarantine and control program.

TIME, DATE, AND PLACE OF MEETINGS:

February 28, 1978, at 1 p.m. Holiday Inn, Shannon Room (Baltimore-Washington International Airport) 6500 Elkridge Landing Road, Baltimore, Md. 21090.

March 14, 1978, at 1 p.m. Ramada Inn, East Continental Room (Sky Harbor Airport) 3801 East Van Buren Street, Phoenix, Ariz. 85008.

SUPPLEMENTAL INFORMATION: These meetings, which are open to all interested agencies, groups, and individuals, are designed to brief the public on the current Japanese beetle situation, and create an opportunity for an open discussion of the Department's program in this area.

These meetings will be conducted by representatives of the Animal and Plant Health Inspection Service (APHIS), which is the lead Government Agency involved in the present cooperative Federal-State Japanese beetle program.

At present, Japanese beetles are found in 22 States east of the Mississippi River and in the State of Missouri. A federal quarantine program is currently being conducted to prevent the spread of this insect into areas where it is not currently located. The agenda will include presentations from APHIS on the history and biology of the Japanese beetle in the United States, a history of regulatory and control actions, and a discussion of the economic significance of the Japanese beetle. Throughout the program, the questions and views of all interested members of the public will be solicited.

FOR FURTHER INFORMATION CONTACT:

James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, 301-447-5601.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-2428 Filed 1-26-78; 8:45 am]

[1505-01]

Forest Service

DIRECTOR OF LANDS AND DEPUTY DIRECTOR OF LANDS

Delegation of Authority

Correction

In FR Doc. 78-739 appearing in the issue of Wednesday, January 11, 1978, the date in the 2nd paragraph, "Effective date", the last line should read, "January 11, 1978".

[3410-11]

Forest Service

RESOURCE MANAGEMENT PLAN, TIMBER MANAGEMENT PLAN—ELDORADO NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed revision of the ten-year Timber Management plan for the Eldorado National Forest, USDA-FS-R5-FES(Adm)-77-03. Portions of the Forest are located in El Dorado, Amador, Placer and Alpine Counties, Calif.

The environmental statement concerns proposed changes in harvesting timber from the Eldorado National Forest and analyzes the environmental effects of the proposed new plan. The recommended alternatives is the harvest of 137.5 million board feet per year.

The draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on March 30, 1977. The final environmental statement was transmitted to the Environmental Protection Agency (EPA) on January 19, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230 12th St. and Independence Ave. SW., Washington, D.C. 20250.
Regional Forester, U.S. Forest Service, Room 529, 630 Sansome Street, San Francisco, Calif. 94111.
Eldorado National Forest, Supervisor's Office, 100 Forni Road, Placerville, Calif. 95667.
Placerville Ranger Station, 3491 Carson Court, Placerville, Calif. 95667.
Georgetown Ranger Station, Georgetown, Calif. 95634.
Pacific Ranger Station, Pollock Pines, Calif. 95726.
Amador Ranger Station, Jackson, Calif. 95642.

A limited number of single copies are available, upon request, from Forest Supervisor Joseph H. Harn, Eldorado National Forest, 100 Forni Road, Placerville, Calif. 95667.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT W. CERMAK,
Deputy Regional Forester.

JANUARY 19, 1978.

[FR Doc. 78-2310 Filed 1-26-78; 8:45 am]

[3410-02]

Agriculture Marketing Service

FARMERS AND RANCHERS LIVESTOCK AUCTION, INC., CHARLOTTE, ARK., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-158.—Farmers and Ranchers Livestock Auction, Inc., Charlotte, Ark.
FL-125.—Madison Stockyard, Inc., Madison, Fla.
MO-243.—Adair County Livestock Market Center, Inc., Kirksville, Mo.
MO-244.—Missouri Feeder Pig Auctions, Inc., Middletown, Mo.
VA-150.—Lynchburg Livestock Market, Inc., Lynchburg, Va.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by February 13, 1978.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b).)

Done at Washington, D.C., this 23d day of January, 1978.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc. 78-2324 Filed 1-26-78; 8:45 am]

[3410-15]

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE, LACROSSE, WIS.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $12,650,000 to this cooperative. The loan funds will be used to finance spare rotors for the Genoa Station No. 3, previously approved modifications to the LaCrosse boiling water reactor, and modifications at Cassville and Alma Stations.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaran-

teed may obtain engineering and economic information on the proposed project including the proposed schedule for loan advances to Dairyland and projected financial forecast data relating to Dairyland's operations from Mr. John P. Madgett, Manager, Dairyland Power Cooperative, P.O. Box 817, LaCrosse, Wis. 54601.

In order to be considered, proposals must be submitted on or before February 27, 1978, to Mr. Madgett. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Dairyland and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 16th day of January 1978.

JOSEPH VELLONE,
Administrator, Rural Electrification Administration.

[FR Doc. 78-2318 Filed 1-26-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 28981]

HUGHES AIRWEST, INC.

Rescheduled Prehearing Conference

Notice is hereby given that the prehearing conference in the above matter, now assigned to be held on February 7, 1978 (43 FR 1377, January 9, 1978), is rescheduled for February 22, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., January 23, 1978.

JANET D. SAXON,
Administrative Law Judge.

[FR Doc. 78-2363 Filed 1-26-78; 8:45 am]

[6320-01]

[Docket 31645; Order 78-1-105]

PERIMETER AVIATION LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of January 1978.

In the matter of application of Perimeter Aviation Ltd. for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

By application filed November 9, 1977,[1] Perimeter Aviation Ltd. (Perimeter) requests a foreign air carrier permit to engage in charter foreign air transportation of persons and their accompanying baggage, and planeload charter foreign air transportation of property, between any point or points in Canada and the United States, using "small aircraft"[2] pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

FITNESS OF APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Perimeter was incorporated under the Companies Act of the Province of Manitoba on September 13, 1960.[3] The Air Transport Committee of the Canadian Transport Commission has issued Perimeter license No. A.T.C. 378/67 (CF), dated March 22, 1967, a class 9-4 license which authorizes the holder to operate international charter commercial air services from a base at Winnipeg, Manitoba. The licensee is restricted in its operation to the use of Groups A, B, and C aircraft.[4] The Canadian Department of Transport, Civil Aviation Branch, has issued Perimeter Operating Certificate No. 2002, dated February 23, 1977, which certifies that Perimeter is adequately equipped and able to conduct a safe operation.

The applicant's balance sheet as of December 31, 1976, showed current assets of $607,251 and current liabilities of $529,850. Total assets and liabilities were $1,023,495. For the year ended December 31, 1976, the company realized a net profit of $41,328. The applicant states that at no time since its inception has it been unable to meet current financial obligations nor has it defaulted on any commitment to provide transportation.

The applicant owns or leases the following aircraft:

Type of Aircraft	Number owned or leased	Passenger seating capacity	Maximum authorized takeoff weight (pounds)
Lear Jet 35A	1	8	17,000
Cessna Citation 500	1	8	12,000
Beechcraft Queenair A65	1	10	7,700
Beechcraft Duke A60	1	5	6,775
Beechcraft Baron 58P	1	5	6,100
Beechcraft Baron B55	1	5	5,100
Beechcraft Travelair E95	1	4	4,200

During the last five years the applicant has had no safety or tariff violations. The applicant has experienced one accident. On August 11, 1977, a Beechcraft Travelair crashed on landing. There were no deaths or serious injuries.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies upon the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United States on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic note No. 584, dated November 16, 1977, the Government of Canada designated the applicant under the Agreement to perform charter services with small aircraft.[5] The aircraft the applicant plans to use in its operations between the United States and Canada are within the scope of the designation.

OWNERSHIP AND CONTROL OF THE APPLICANT

The officers of the corporation are William Joseph Wehrle, President and Director, and Orla (Toonstra) Gillis, Secretary. Both officers are Canadian

[1] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[2] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[3] Perimeter was orginally incorporated under the name Perimeter Flying Associates Ltd. On April 24, 1968, the name of the corporation was changed to Perimeter Aviation Ltd.

[4] Under Canadian Air Transport Committee regulations, aircraft are grouped according to the maximum authorized takeof weight on wheels as follows: Group A—not greater than 4,300 pounds, Group B—over 4,300 pounds, but not greater than 7,000 pounds, and Group C—over 7,000 pounds, but not greater than 18,000 pounds.

[5] See Docket 26473.

citizens. The outstanding capital stock of Perimeter is held by William Wehrle, president of the company, (10,000 shares) and Remor Limited (10,000 shares). Remor Ltd. is a Candian corporation. Perimeter's long-term debt is held by the Bank of Montreal ($91,082), William J. Wehrle ($59,517), and Remor Limited ($206,777). Perimeter is the owner of two-thirds of the issued common shares of Perimeter (Inland) Ltd., a Canadian commercial air carrier.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Perimeter Aviation Ltd. is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Perimeter Aviation Ltd. authorizing it to engage in charter foreign air transportation with small aircraft of persons and their accompanied baggage and planeload charters of property between any point or points in Canada and the United States;

3. That the public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Perimeter Aviation Ltd. is fit, willing, and able properly to perform the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That except to the extent granted, the application of Perimeter Aviation Ltd. in Docket 31645 should be denied; and

6. That an evidentiary hearing is not required in the public interest.[6]

ACCORDINGLY, IT IS ORDERED THAT:

1. All interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Perimeter Aviation Ltd.;

2. Any interested person having objection to the issuance of an order making final the Board's tentative findings and conclusions and issuing the permit shall, within 21 days after the adoption of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given to the matters and issues raised by the objections before further action is taken by the Board; *Provided*, That the Board may proceed to enter an order in accordance with its tentative findings and conclusions if it is determined that there are no factual issues present that warrant the holding of an evidentiary hearing;[7]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with its tentative findings and conclusions; and

5. This order shall be served upon Perimeter Aviation Ltd. and the Ambassador of Canada in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN PERMIT

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Perimeter Aviation Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights of persons and their accompanied baggage, and planeload charter flights of property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B (III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[1] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B (III)(A) of such Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage, or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such groups, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation, or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A (I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the move-

[6] We also tentatively find that our proposed action will not constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in section 313.4(a)(1) of the Board's Regulations.

[7] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Annex B (III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

ment of passengers independently of any group) to or from a point not in the United States or Canada: *Provided,* That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission regulations) not greater than 18,000 pounds; and

(ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided,* That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the name and address of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ————. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation here authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation here authorized, the authority granted here shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement, between the United States and Canada, signed May 8, 1974: *Provided, however,* That clause (3) of this paragraph shall not apply if prior to the occurence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed on the ————.

Issuance of this permit to the holder approved by the President of the United States on ——— in Order ———.

Secretary.

———

[6320-01]

TRAFFIC CONFERENCE 1 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

[Docket 30332; Agreement C.A.B. 27097]

Order

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulatons between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above CAB agreement number.

The agreement would delete the rates for Item 1421 (Cut Flowers, Inc. Mimosa) from Bogota/Medellin to Baltimore / Charlotte / Jacksonville / Norfolk / Orlando / Philadelphia / Tampa / Washington / Boston / Cleveland / Detroit / Hartford / and Pittsburgh.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 100(Mail 199)590, incorporated in Agreement CAB 27097, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered that: Agreement CAB 27097 is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-2365 Filed 1-26-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

KIRSTEIN LEATHER CO. AND CLASSY LEATHER GOODS CORP.

Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing on January 20, 1978, from two firms: (1) Kirstein Leather Co., 72 Main Street, Saco, Maine 04072, a tanner of hides and processor of leather; and (2) Classy Leather Goods Corp., 15 East 32nd Street, New York, N.Y. 10016, a producer of handbags. The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on February 6, 1978.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-2372 Filed 1-26-78; 8:45 am]

[1505-01]

Industry and Trade Administration

HEW—CENTER FOR DISEASE CONTROL

Decision on Application for Duty-Free Entry of Scientific Article

Correction

In FR Doc. 78-1415 appearing at page 2747 in the issue for Thursday, January 19, 1978, in the third column of page 2747, first line of the second full paragraph, the words "Docket No.: 77-99339 * * *" should have read "Docket No.: 77-00339 * * *".

[3510-25]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on February 22, 1978 at 1:30 p.m. in Room 3817, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: January 24, 1978.

EDWARD GOTTFRIED,
Acting Director, Office of Textiles.

[FR Doc. 78-2370 Filed 1-26-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL SUBPANELS OF THE ADVISORY PANEL

Public Meeting

Subpanels of the Advisory Panel of the Gulf of Mexico Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 13-16, 1978, at Barclay Inn, 5303 West Kennedy Boulevard, Tampa, Florida. The meeting of spiny lobster and coral subpanels starts at 1 p.m. on February 13, 1978, and will adjourn at about noon on February 14, 1978. The meeting of the coastal herring and swordfish subpanels starts at 1 p.m., February 15, 1978, and will adjourn at about noon on February 16, 1978.

Proposed Agenda: (1) Management Plans; (2) Orientation; and (3) Other fishery management business, if any.

These meetings are open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Tampa, Florida 33607, Telephone: 813-228-2815.

Dated: January 24, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-2400 Filed 1-26-78; 8:45 am]

[3510-22]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Amendment to Public Meeting

Notice is hereby given that the announcement pertaining to the Mid-Atlantic Fishery Management Council's meeting published in the FEDERAL REGISTER, Vol. 43, No. 8, Thursday, January 12, 1978, (43 FR 1815) is amended to reflect that the Advisory Panel will also meet at this time. The Advisory Panel will meet on February 7, 1978, at Hunt Valley Inn, Interstate 83 at Shawan Road, Hunt Valley, Md. The meeting will convene at 9 a.m. and adjourn about 5 p.m. on February 7.

Proposed Agenda; Organization of subpanels and instructions to subpanels.

Dated: January 24, 1978.

WINFRED H. MEIBOHM,
Associate Director National Marine Fisheries Service.

[FR Doc. 78-2401 Filed 1-26-78; 8:45 am]

[3510-22]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Change in Location of Meeting

Notice is hereby given of a change in the meeting location as published in the FEDERAL REGISTER, Vol. 43, No. 11, Tuesday, January 17, 1978, (43 FR 2424) for the North Pacific Fishery Management Council and its Scientific and Statistical Committee and Advisory Panel.

This joint meeting scheduled for February 23-24, 1978, will be held at the Anchorage Westward Hilton Hotel, 3rd and E Streets, Anchorage, Alaska.

Dated: January 24, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-2399 Filed 1-26-78; 8:45 am]

[1505-01]

Office of the Secretary

[Dept. Organization Order 35-2B; Amdt. 1]

BUREAU OF THE CENSUS

Statement of Organization

Correction

In FR Doc. 77-34286 appearing in the issue of Wednesday, November 30, 1977 on page 60946, the small type in the heading should read as it appears above.

[3510-13]

PROPOSAL FROM THE INTERNATIONAL CONFERENCE ON RECOGNITION OF NATIONAL PROGRAMS FOR TESTING LABORATORIES FOR AN INTERNATIONAL REGISTER OF ORGANIZATIONS RESPONSIBLE FOR ACCREDITING TESTING LABORATORIES

Invitation for Comments

The purpose of this notice is to call public attention to a proposal from the International Conference on Recognition of National Programs for Testing Laboratories for an international register of organizations responsible for accrediting testing laboratories, and to provide an opportunity through the Department of Commerce for interested parties to comment on that proposal.

In October 1977, representatives of seventeen countries, including the United States, and three international organizations met in Copenhagen to participate in the International Conference on Recongition of National Programs for Testing Laboratories. The U.S. delegation, headed by Dr. Howard I. Forman, Deputy Assistant Secretary of Commerce for Product Standards, consisted of seventeen public and private sector representatives. (Dr. Forman's Office of Product Standards administers the Department of Commerce's National Voluntary Laboratory Accreditation Program.) The Copenhagen conferees agreed that there was a need to pursue the possibility of developing arrangements whereby national governments and/or private sector organizations which accredit testing laboratories can recognize each other on a reciprocal basis, and thereby facilitate international trade. A second conference on this subject is planned for the week of October 23, 1978, in Washington, D.C.

The Copenhagen conferees established a task force to consider the feasibility of preparing an international register of laboratory accreditation organizations, and to identify items which might have a commonality of usage or interest in the programs of those organizations. The chairman of the task force, Mr. Stanley S. Linton of the Government of the United Kingdom, in his letter of December 19, 1977 to the members of his task force, proposes certain alternative approaches to accomplishing the mission of this task force. Persons interested in reviewing and commenting upon those proposals and/or suggesting alternate procedures may request a copy of this letter and its appendices by writing to Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

To assist the Department of Commerce in its response to the above mentioned letter, all interested persons are invited to send written comments on the proposal for an international register of organizations responsible for accrediting testing laboratories, and on the need for and methods of identifying items of common usage within the accreditation programs of those organizations, to Dr. Forman at the above address by February 17, 1978.

Dated: January 23, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-2345 Filed 1-26-78; 8:45 am]

[3510-25]

COTTON TEXTILE AGREEMENT WITH PAKISTAN, EFFECTIVE JANUARY 1, 1978

IMPORT RESTRAINT LEVELS

JANUARY 19, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton textile products from Pakistan pursuant to a new multifiber agreement.

SUMMARY: The Governments of the Unites States and Pakistan exchanged notes, dated, respectively, January 4 and 9, 1978, establishing a new Bilateral Cotton Textile Agreement for the period beginning on January 1, 1978 and extending through June 30, 1982. Among the provisions of the agreement are those establishing specific levels of restraint for cotton textile products in Categories 313, 319, 363, 338 and 339, produced or manufactured in Pakistan and exported to the Unites States during the 12-month period beginning on January 1, 1978. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry

for consumption or withdrawal from warehouse for consumption of cotton textile products in Categories 313, 319, 363, 338 and 339 be limited to the designated 12-month levels of restraint.

A description of the new textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

JANUARY 19, 1978.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on February 6, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the following categories in excess of the indicated levels of restraint:

Category	*12-month level of restraint*[1]
313	56,419,000 yd².
319	13,321,000 yd².
363	4,700,000 numbers.
338	1,597,222 doz of which not more than 799,542 doz shall be in T.S.U.S.A. 380.0651 and 380.0652.
339	347,222 doz of which not more than 122,097 doz shall be in T.S.U.S.A. 382.0669 and 382.0671.

[1]The levels of restraint have not been adjusted to account for entries made prior to the effective date of this directive.

Entries of cotton textile products in the foregoing categories, produced or manufactured in Pakistan and exported to the United States prior to January 1, 1978, shall not be subject to this directive.

Cotton textile products in Categories 313, 319, 363, 338 and 339 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before February 6, 1978, shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of January 4 and 9, 1978 between the Governments of the United States and Pakistan which provide, in part that: (1) within the aggregate and group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-2371 Filed 1-26-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 27, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION:

On September 2, 1977, November 18, 1977, and December 2, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 44261), (42 FR 59543) and (42 FR 61297) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1978:

CLASS 7330

Pad, Bakery (IB), 7330-00-379-4439, (GSA Regions 3 and 6 only).

CLASS 5826

Circuit Card Assembly (SH), 5826-00-237-9949.

CLASS 6630

Micro Bleeder (IB), 6630-01-NIB-0002.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-2341 Filed 1-26-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 2, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1978, November 14, 1977 (42 FR 59015):

CLASS 1220

Case, Carrying 1220-00-765-5870, 1220-00-937-8286.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-2342 Filed 1-26-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

SYNTHETIC NATURAL GAS

Request for Comment on the Allocation of Naphtha for Synthetic Natural Gas Feedstock and Propane for Btu Enrichment—Algonquin SNG Corp.

AGENCY: Economic Regulatory Administration.

ACTION: Notice of request for comment.

SUMMARY: On August 29, 1975, the Federal Energy Administration (FEA) issued a Decision and Order (Order) to Algonquin Gas Transmission Co. (Algonquin), establishing a base period use and assigning a supplier of naphtha to be used as synthetic natural gas (SNG) feedstock at its Freetown, Mass., SNG facility. As a result of an appeal, FEA's Office of Exceptions and Appeals issued a Decision and Order on June 28, 1976, which remanded the Order to the FEA Assistant Administrator for Regulatory Programs for further findings of fact and conclusions of law. This notice requests public comments to assist the Economic Regulatory Administration (ERA) in evaluating Algonquin's pending petition under the amendments to 10 CFR 211.29 adopted on September 30, 1977.

DATE: Written comments to be submitted by February 24, 1978.

ADDRESS: Comments should be submitted to: Finn K. Neilsen, Economic Regulatory Administration, Office of Fuels Allocation, Room 6318, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE, Freedom of Information Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Finn K. Neilsen (Economic Regulatory Administration, Office of Fuels Allocation), 2000 M Street NW., Room 6318, Washington, D.C. 20461, 202-254-9730.

SUPPLEMENTAL INFORMATION: On September 4, 1974, Algonquin submitted its petition for establishment of a base period volume of naphtha for its Freetown, Mass., SNG plant. On October 22, 1974, the FEA issued an assignment as amended on October 31, 1974, establishing a base period volume of 2,184,000 barrels of naphtha per calendar year.

On November 20, 1974, the FEA issued a notice (39 FR 40984, November 22, 1974), that a public hearing respecting Algonquin's petition for an upward adjustment of base period volumes pursuant to 10 CFR 211.29 would be held to receive oral statements from interested persons. Written comments respecting Algonquin's petition had previously been solicited and 14 comments were received. The public hearing was held on December 4, 1974, at which seven persons presented statements. Following the hearing Algonquin submitted additional information at FEA's request. Algonquin's final submission was filed on August 15, 1975. On August 29, 1975, FEA issued a Decision and Order (Order) assigning Algonquin 4,425,571 barrels of naphtha per year as SNG feedstock with Exxon Co. U.S.A., designated as the base period supplier for this volume.

On December 30, 1975, Algonquin petitioned FEA for the assignment of 7,550,000 gallons of propane for Btu enrichment of the SNG stream during the first and fourth calendar quarters. The proposed supplier of this propane is Petrolane Northeast Gas Service, Inc.

On March 22, 1976, the Petrochemical Energy Group appealed the FEA Order of August 29, 1975. On June 28, 1976, the Order was remanded to the FEA Assistant Administrator for Regulatory Programs (3 FEA ¶ 80,661), for further findings of fact and conclusions of law regarding Algonquin's service to firms which have alternate fuel capability on a continuing basis and any incremental pricing program implemented by Algonquin and its customers.

On September 30, 1977, the FEA amended 10 CFR § 211.29 of the Mandatory Petroleum Allocation Regulations and established new criteria by which to evaluate petitions for SNG feedstock allocations. The amended regulations provide that with respect to pending applications for SNG plant capacity existing on July 1, 1977, actions taken by the ERA under the new criteria will result in allocations of SNG feedstock no less favorable to the applicant than those which have been provided under the regulations in effect on July 1, 1977. An allocation, if granted, would allow Algonquin to continue operation of its Freetown, Mass., SNG facility at the same level and in a manner consistent with the August 29, 1975, Decision and Order.

On October 1, 1977, pursuant to the Department of Energy Organization Act, Pub. L. 95-91, and Executive Order 12009 (42 FR 46267, September 15, 1977) the Department of Energy (DOE) was established and the Secretary of Energy assumed the functions of the FEA. The Administrator of the Economic Regulatory Administration (ERA) was delegated by the Secretary of Energy in Delegation Order 0204-4, the authority to administer the regulations promulgated under § 4(a) of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended.

Comment procedure: A file containing all information and data filed in conjunction with Algonquin's petitions, other than confidential information which ERA has determined to be exempt from the disclosure requirements of 5 U.S.C. 522, is available for public inspection and copying at the DOE Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Written comments regarding the Algonquin petition will be accepted and considered if filed by 4:30 p.m., February 24, 1978. Any person submitting written comments with respect to the Algonquin petition should submit ten (10) copies to ERA and should comply with the requirements of the ERA procedural regulations set forth at 10 CFR 205.33. Comments should be submitted to the Office of Fuel Allocation, Specialty Fuels Branch, ERA, Room 6318, 2000 M Street NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen. Comments should be identified on the outside of the envelope and on documents submitted to ERA with the designation "Allocation of SNG Feedstock and Btu Enrichment Product for Algonquin."

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. The Department of Energy reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., January 23, 1978.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-2404 Filed 1-25-78; 9:28 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. ER76-229, ER76-633, ER76-661]

CENTRAL LOUISIANA ELECTRIC CO.

Compliance Filing

JANUARY 20, 1978.

Take notice that Central Lousiana Electric Co. (Central), on December 15, 1977, tendered for filing, pursuant to Ordering Paragraph (D) of the Commission's Order Approving Settlement issued September 15, 1977, a compliance report showing monthly billing determinants and revenues under prior, present, and settlement rates, the monthly revenue refund, and the monthly interest computation, together with a summary of such information.

Central indicates that refund checks were mailed to Elizabeth, La., Boyce, La., Gulf States Utilities, Southwest Louisiana Electric Membership Corporation at Melville, La., and Cajun Electric Power Cooperative, Inc., on December 9, 1977.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20246, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2329 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-161, ER78-162 and ER78-175]

IOWA PUBLIC SERVICE CO.

Notice of Filing

JANUARY 20, 1978.

Take notice that Iowa Public Service Co. (Iowa) on December 27, 1977, tendered for filing a Wholesale Energy Agreement whereby Iowa will deliver wholesale power to the city of Lake View in addition to the services rendered under a 1968 agreement between the parties.

Iowa proposes an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions and protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2330 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-161, ER78-162 and ER78-175]

IOWA PUBLIC SERVICE CO.

Notice of Filing

JANUARY 20, 1978.

Take notice that Iowa Public Service Company (Iowa) on December 27, 1977, tendered for filing a Wholesale Energy Agreement whereby Iowa will deliver wholesale power to the city of Breda in addition to the services rendered under a 1968 agreement between the parties.

Iowa proposes an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions and protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2331 Filed 1-26-78; 8:45 am]

[6740-02]

LANDS WITHDRAWN IN PROJECT NOS. 347 AND 418, COLORADO

Order Vacating Land Withdrawals Under Section 24 of the Federal Power Act

JANUARY 23, 2978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act) Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, U.S. Department of Agriculture, has requested that the land withdrawals for Project Nos. 347 and 418 be vacated insofar as they affect National Forest lands, thereby requiring Commission consideration under section 24 of the Federal Power Act. This order pertains to all lands currently withdrawn for these projects. The lands affected by the withdrawals are described in the attached Land List.

The subject lands lie along or near North and Middle St. Vrain Creeks, tributaries of St. Vrain Creek which is tributary to the South Platte River, in northwestern Boulder County, Colo.

The applicants for Project Nos. 347 and 418 contemplated construction of an extensive diversion-conduit system to convey water from Middle and North St. Vrain Creeks to proposed powerhouse sites on North St. Vrain Creek. Proceedings for both of these projects ended over 40 years ago without the issuance of a license.

A 1967 Bureau of Reclamation reconnaissance report on St. Vrain Creek cites two potential reservoir sites in the vicinity of the subject lands. These are the Buck Gulch site on Rock Creek, a tributary of North St. Vrain Creek, and the Coffintop site on South St. Vrain Creek. A small portion (about one acre) of the NW¼NE¼ of sec. 24, T. 3 N., R. 71 W., might be inundated in the event a 321-foot-high-dam (one of several alternatives) is constructed at the Coffintop site. The remaining lands under consideration herein lie beyond the limits of the Buck Gulch and Coffintop reservoir sites. The 1967 report states that the water supply available to the St. Vrain basin did not appear to be adequate for developing hydroelectric power.

In earlier studies, the Bureau of Reclamation considered development of the Buck Gulch reservoir site in conjunction with a comprehensive plan which included two proposed downstream powerhouses (Buck Gulch and Cook Mountain) on North St. Vrain Creek; however, the power features of the plan were found infeasible. Numerous diversion dams, canals and laterals were also proposed in the comprehensive plan. Some of the subject lands might be utilized for diversion dam, conduit, or powerhouse location if such development ever occurs. The potential powerhouse sites are withdrawn in Power Site Reserve No. 427. The withdrawal of full subdivisions for the potential diversion dam or conduit locations, which are flexible, is not considered appropriate in this case.

The Geological Survey has recommended that the land withdrawals for Project Nos. 347 and 418 be vacated in their entirety.

The Commission orders: That the land withdrawals for Project Nos. 347 and 418 are hereby vacated in their entirety.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

SIXTH PRINCIPAL MERIDIAN, COLORADO
(ROOSEVELT NATIONAL FOREST)

1. Project No. 347.—(a) The following described lands were withdrawn pursuant to the filing on September 5, 1922, of an application for preliminary permit for Project No. 347 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated October 4, 1922:

T. 3 N., R. 71 W.,
Sec. 19, lot 2, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 20, NW¼SW¼, NE¼SE¼;
Sec. 21, S½NW¼;
Sec. 24, NW¼NE¼ (outside National Forest).
T. 2 N., R. 72 W.,
Sec. 4, NW¼SE¼.
T. 3 N., R. 72 W.,
Sec. 19, lots 1, 2, N½NE¼, SW¼NE¼, E½NW¼;
Sec. 23, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼;
Sec. 24, NW¼NE¼, S½NE¼, S½NW¼, N½S½;
Sec. 34, SE¼NE¼;
Sec. 35, W½NW¼.
T. 3 N., R. 73 W.,
Sec. 24, NE¼.

(Approximately 1,632 acres)

(b) the following described lands were withdrawn pursuant to the filing on October 19, 1928, of an application for license for Project No. 347 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letters dated November 13 and 30, 1928:

T. 2 N., R. 72 W.,
Sec. 5, lot 2, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 7, E½SE¼;
Sec. 8, SW¼SW¼;
Sec. 18, E½NE¼.
T. 3 N., R. 72 W.,
Sec. 18, lots 8, 9, 10, 17;
Sec. 21, lots 8, 9, 10, 11, 14, 15;
Sec. 23, lot 13;
Sec. 28, lots 1, 8, 9.
T. 2 N., R. 73 W.,
Sec. 13, NE¼SE¼, S½SE¼.
T. 3 N., R. 73 W.,
Sec. 12, S½SW¼, SE¼SE¼;
Sec. 23, SW¼NW¼.

(Approximately 1,258 acres)

2. Project No. 418.—The following described lands were withdrawn pursuant to the filing on June 9, 1923, of an application for license for Project No. 418 for which the Commission (FPC) gave notice of land withdrawal to the General Land Office by letter dated September 21, 1923:

T. 3 N., R. 72 W.,
Sec. 17, lots 8, 15;
Sec. 19, lot 12;
Sec. 20, lots 1, 2, 3, 4;
Sec. 21, lots 1, 2, 3 4, 5, 6, 7;
Sec. 22, lots 3, 4, 5, 6, 7;
Sec. 23, lot 12.

(Approximately 808 acres)

Federal; lands (acreage not determined) involved in Project No. 418 which were previously withdrawn in connection with Project No. 347 were not listed in the September 21, 1923, notice.

[FR Doc. 78-2336 Filed 1-26-78; 8:45 am]

[6740-02]

LANDS WITHDRAWN IN PROJECT NO. 847—OREGON

Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act

JANUARY 23, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, U.S. Department of Agriculture, has requested that the land withdrawal for Project No. 847 be vacated in its entirety, thereby requiring Commission consideration under Section 24 of the Federal Power Act. The lands affected by the withdrawal are described in the attached Land List.

The subject lands are withdrawn pursuant to the filing on November 23, 1927, of an application for preliminary permit for Project No. 847 for which the Federal Power Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated November 23, 1928, as construed to conform to survey by Bureau of Land Management letter dated April 18, 1952.

The lands lie in northwest Hood River County, Oregon. The applicant for Project No. 847 contemplated development of about 3,000 feet of head by the construction of low dams at Lost Lake (in the upper drainage area of Lake Branch of West Fork of Hood River) and Wahtum Lake (in the upper drainage area of East Fork of Eagle Creek) with about 20 miles of conduit to convey water from the lakes to a proposed powerhouse site near the town of Cascade Locks on the Columbia river. The application for the project was rejected on December 19, 1930. Current topographic maps show that the total drainage area of both lakes is only about 4 square miles. The development proposed in Project No. 847 is considered infeasible because of the small amount of water available.

The SW¼SW¼ of sec. 29, T. 2 N., R. 8 E., lies near a potential pumped storage site at Benson Plateau, in a roadless area of the Mount Hood National Forest. The Benson Plateau site is one of 530 potential pumped storage sites listed in a January 1976 Corps of Engineers report entitled "Pumped-Storage in the Pacific Northwest, an Inventory." A small portion of said SW¼SW¼ might be needed for the pumped storage project in the event of development; however, retention of this subdivision in the project withdrawal for possible protection of a minute part of the pumped storage site is considered inappropriate.

Under the circumstances, the land withdrawal for Project No. 847 no longer serves a useful purpose.

The Commission orders: That the withdrawal for Project No. 847 is hereby vacated in its entirety.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

WILLAMETTE MERIDIAN, OREG. (MOUNT HOOD NATIONAL FOREST)

T. 1 S., R. 8 E.,
Sec. 5, lots 4, 5, 6, 9, 10, 11, 12, 13;
Sec. 6, NE¼NE¼;
Sec. 8, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 9, lot 3, N½SW¼, NW¼SE¼;
Sec. 10, lots 1, 2;
Sec. 15, lots 1, 2, 3, 4, 5;
Sec. 16, lot 2.
T. 2 N., R. 7 E.,
Sec. 13, SW¼;
Sec. 24, NW¼NE¼, S½NE¼, NE¼NW¼, NE¼SE¼.
T. 1 N., R. 8 E.,
Sec. 4, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 5, N½N½, SE¼NE¼, NE¼SE¼;

Sec. 9, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10, S½S½, NE¼SE¼;
Sec. 11, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 15, NW¼NE¼, NW¼;
Sec. 16, NE¼NE¼, S½N½, W½SW¼;
Sec. 20, E½E½;
Sec. 21, NW¼NW¼;
Sec. 29, NE¼, SE¼NW¼,NE¼SW¼, S½SW¼
Sec. 31, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 32, N½NW¼, SW¼NW¼, NW¼SW¼.

T. 2 N., R. 8 E.,
Sec. 19, lots 3, 4, SE¼SW¼;
Sec. 29, SW¼SW¼
Sec. 30, lot 1, SW¼NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 32, NW¼NW¼, S½NW¼, NE¼SW¼, S½S½.

(Approximately 4,767 acres)

[FR Doc. 78-2337 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket No. DA-601-Idaho Bureau of Land Management]

LANDS WITHDRAWN IN POWER SITE RESERVE NO. 498 AND PROJECT NO. 406

Finding and Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act

JANUARY 23, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Bureau of Land Management has requested revocation of Power Site Reserve No. 498, and the withdrawal for Project No. 406, insofar as they pertain to the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 21 E.,
Sec. 21, E½SE¼;
Sec. 27, SW¼;
Sec. 34, NW¼NE¼, S½NE¼, NW¼SE¼, E½SE¼.

The lands lie about 12 miles southwest of the town of Burley in Cassia County Idaho.

Those portions (approximately 12 acres) of the lands lying within 25 feet of the center line of the Shoshone Falls-Oakley transmission line as shown on Exhibit K Sheet 2 of 15 (FPC No. 282-9) are withdrawn pursuant to the filing on April 16, 1923, of an application for license for Project No. 406. Project No. 406 was consolidated with Project No. 282, and the Shoshone Falls-Oakley line was included in the license for Project No. 282; however, the line was subsequently relocated and no longer occupies the subject lands.

Power Site Reserve No. 498, dated July 19, 1915, withdrew approximately 25 acres within said subdivisions for a proposed transmission line. The application for this transmission line was rejected by the Department of the Interior on November 29, 1916.

The withdrawal for Project No. 406 and Power Site Reserve No. 498 no longer serve a useful purpose insofar as they pertain to the subject lands.

The Commission finds: That is has no objection to the revocation of Power Site Reserve No. 498 insofar as it pertains to the subject lands.

The Commission orders: That the withdrawal for Project No. 406 is hereby vacated insofar as it pertains to the subject lands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2338 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-3; RP78-4; RP78-9]

SOUTHERN NATURAL GAS CO., ET AL.

Order Denying Rehearing and Granting Clarification

JANUARY 20, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

By our November 23, 1977 order in the subject dockets, we consolidated the proceedings in those dockets and denied the petitions of Southern Natural Gas Co. (Southern), East Tennessee Natural Gas Co. (East Tennessee) and Tennessee Gas Pipeline Co. (Tennessee), which petitions requested advance authorization to recoup the costs associated with an emergency gas purchase proposed to be made from Oklahoma Natural Gas Co. On December 21, and December 23, 1977 respectively, East Tennessee and Southern filed applications for rehearing of our November 23 order. Southern's application also contained a request for clarification of that order.[1]

After careful review of the petitions for rehearing, we find that they fail to state grounds sufficient to warrant modification of our November 23 order. The arguments advanced in support of rehearing are simply reassertions of concerns considered by the Commission in our earlier determination to deny the requests for advance approval of the proposed emergency purchases. Accordingly, we will deny the petitions.

Southern's request for clarification asserts that uncertainty remains with respect to the question whether § 2.68 may be used to accomplish steps taken in anticipation and avoidance of an emergency prior to the outset of the emergency. Our response is that section 2.68 may be used to accomplish steps taken in anticipation and avoidance of an emergency. Although this conclusion is not specified in the text of § 2.68 itself, it is implied by the language used in Order No. 402 in promulgating section 2.68. Therein the

[1] By telegram received January 18, 1978, East Tennessee submitted data on actual curtailments imposed and wealther conditions experienced during the first portion of this winter; East Tennessee regards such data as pertinent to our action on its petition for rehearing. On January 18 and 19, 1978, related telegrams were received from the Tennessee Energy Authority, Chattanooga Gas Co., and a group of East Tennessee customers styled the East Tennessee Group. These latter telegrams express support for East Tennessee's petition for rehearing, and observe that the substantial effect which our determination thereon will have renders an expeditious disposition important.

Federal Power Commission adopted a policy to facilitate responses to requests made of non-jurisdictional distribution and pipeline companies for temporary assistance by jurisdictional concerns which are confronted with emergency gas supply situations. Specifically, it was declared that the exempt status of non-jurisdictional concerns would not be jeopardized by their short-term sale or transportation of gas in interstate commerce. We have previously interpreted this policy as authorizing the conduct of emergency transactions for the purpose of augmenting storage capacity in order to meet the requirements of a jurisdictional concern in a forthcoming heating season. (See Order Denying Petition For Emergency Relief And Granting Interventions, issued November 29, 1977 in Docket No. RP77-136-1.) The enlargement of storage capability being an anticipatory undertaking, it is clearly our view that preventive as well as curative steps may be taken in accordance with the policy of § 2.68.

The Commission finds: Southern and East Tennessee fail to state grounds sufficient to warrant the granting of their petitions for rehearing.

The Commission orders: (A) The petitions for rehearing filed by Southern and East Tennessee are denied.

(B) Southern's request for clarification is granted to the extent discussed herein.

(C) The Secretary shall shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2332 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket Nos. G-14562; G-13680; G-13827; G-13948; G-19855; G-19580; G-19851; G-19900]

TENNESSEE GAS TRANSMISSION CO., ET AL.

Informal Conference

JANUARY 20, 1978.

Continental Oil Co., Mobil Oil Corp. (successor to Magnolia Petroleum Co.), Newmont Oil Co., Continental Oil Co., Atlantic Richfield Co. (successor to Atlantic Refining Co.), Cities Service Oil Co., and Getty Oil Co. (successor to Tidewater Oil Co.).

Take notice that an informal conference to discuss possible settlement will be held in the above-captioned proceeding on January 27, 1978, commencing at 10 a.m. in Room 8402 at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

This proceeding involves the disposition of escrowed refund amounts generated by certain gas sales from the above-captioned producers to Tennessee Gas Transmission Co. from the early 60's to 1970. The escrowed funds, which amounted to $1.84 million in mid-1976, were generated to cover a contingent severance tax liability to the State of Louisiana based on whether the gas involved, produced from within the Disputed Zone, was from Federal or State lands. Such lands were subsequently determined to be Federal. This proceeding was initiated by the above-captioned producers by a petition filed herein September 30, 1976, noticed by the Federal Power Commission on March 4, 1977. Pursuant to such notice, The Public Service Electric and Gas Co. (of New Jersey) filed a petition to intervene.

Any interested persons may attend the conference. However, this will not constitute permission to intervene as a party.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2333 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket No. OR78-1 (Formerly ICC, Docket No. I&S 9164, et al.)]

TRANS ALASKA PIPELINE SYSTEM: INVESTIGATION AND SUSPENSION

Order on Petition To Hold Concurrent Proceedings

JANUARY 23, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a) (1) or 402(a) (2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On November 16, 1977, the State of Alaska (Alaska) filed a petition in Docket No. OR78-1 requesting the Federal Energy Regulatory Commission (FERC) to authorize that evidentiary hearings scheduled in the captioned proceeding be held concurrently with a related proceeding now before the Alaska Pipeline Commission (APC).

Public notice of the filing of the petition by Alaska was issued on December 6, 1977, with comments due to be filed with the FERC on or before December 19, 1977. Based on a review of the petition and comments filed in response to the petition the FERC will grant Alaska's petition and order that evidentiary hearings in this proceeding be held concurrently with the APC's proceeding.

In the November 16, 1977 petition, Alaska states that it is a protestant in the FERC proceeding in Docket No. OR78-1 and an intervenor in the proceeding scheduled before the APC, *In the Matter of Setting An Initial Tariff for the Intrastate Transportation of Petroleum Over the Trans Alaska Pipeline System By Exxon, Sohio, ARCO and Union Alaska Pipeline Companies*, APC Docket Nos. P-77-8, P-77-9, P-77-10 and P-77-11. Both proceedings concern a number of common issues, according to Alaska, in which the state has a vital interest. Alaska includes the following among those issues common to both the FERC and the APC proceedings:

(a) The propriety of using a valuation rate base, original cost less depreciation rate base, or some other type of rate base;

(b) The original cost of the Trans Alaska Pipeline System (TAPS) which should be allowed as prudently-invested, including the amount of interest during construction that should be capitalized;

(c) The proper rate of return to be applied to the rate base;

(d) The proper amount of operating expenses;

(e) The treatment of income taxes;

(f) The service life of TAPS; and

(g) The legality of tariff rules and regulations.

Alaska states that both commissions are investigating the just and reasonable rates allowable for the shipment of crude oil via the Trans Alaska Pipeline System (TAPS). The only signifi-

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

cant difference between the FERC and the APC investigations, it states, is that the FERC proceeding will establish a just and reasonable rate for the interstate shipment of crude oil over the entire 800 mile distance of the system, while the APC investigation will establish a rate for the intrastate shipment of crude over the 469 miles between Prudhoe Bay to North Pole, Alaska, or for the entire 800 miles from Prudhoe Bay to Valdez.

Alaska supports concurrent hearings between FERC and APC as being in the public interest in that they would provide a more efficient and expeditious disposition of the proceedings. Concurrent hearings would reduce the litigation burdens on the parties, as well as encourage expediency, according to Alaska. Alaska adds that the APC proceeding is divided into two phases: The first phase, beginning January 4, 1978, concerns "narrow issues relevant solely to intrastate tariffs"; the second phase will occur only if the APC is unable to hear the case jointly with the FERC.

Alaska emphasizes that it is not seeking consolidation of the proceedings. Rather, Alaska only requests concurrent taking of evidence. Alaska suggests that the Commission's existing regulation (18 CFR 1.37(e)(4))[1] provides a convenient and workable procedure to govern separate hearings held concurrently by each commission on the common issues in both proceedings. Each commission would designate a presiding officer, and those officers would jointly preside over the proceedings. Each officer would be fully empowered to make rulings governing the record in his or her commission's proceeding. Alaska believes that a very high percentage of the record developed in such concurrent proceedings would be common to both agencies. Divergent rulings during the hearings, however, would be carefully identified and defined, and each agency would have a separate record upon which to base its final decision. Moreover, since each agency has independent statutory responsibilities, Alaska proposes that the hearing officers not discuss, either on or off the record, the resolution of substantive issues, and that each agency independently resolve the issues before it on its own record. Alaska notes that such procedure would depart from § 1.37(e)(5) which contemplates consultation between the agencies prior to the issuance of orders in concurrent proceedings.

Alaska states that it has been advised that the APC is willing to accept the Presiding Administrative Law Judge's procedural schedule established by ruling issued October 13, 1977, in Docket No. OR78-1 and that the APC is agreeable to holding a concurrent hearing at the FERC headquarters. Alaska further states that a petition for concurrent hearings is also being filed with the APC.

On December 2, 1977, the energy Co. of Alaska (ECA) filed a reply to Alaska's petition and moved for a one week postponement of the commencement of the FERC hearings. ECA states that it is a protestant in the captioned proceeding before this Commission and an intervenor in the APC proceeding. EPA states that it joins in Alaska's petition to hold concurrent hearings before the FERC and the APC, except with respect to those issues which only relate to the determination of intrastate rates.

On December 15, 1977, Chief Administrative Law Judge Zwerdling, in the absence of Presiding Judge Kane, granted a Staff request for a two weeks' extension of the dates for filing prehearing briefs by the parties. Also, due to scheduling conflicts of certain parties, the January 10, 1978, hearing date was postponed for approximatey two weeks to be fixed by Presiding Judge Kane, in consultation with the parties, after his return.

On December 19, 1977, Exxon Pipeline Co. (Exxon) filed a reply to Alaska's petition for concurrent hearings. Exxon, a respondent in the captioned proceeding, states that it agrees that concurrent evidentiary hearings should lead to a more efficient and expeditious disposition of these proceedings. In addition, Exxon agrees that the FERC is empowered to hold simultaneous hearings with the APC and does not object to the procedure outlined in Alaska's petition with regard to the respective roles of the presiding officers of both agencies during concurrent hearings. Exxon states that it disagrees, however, to the extent that Alaska implies that the FERC is limited to determining a just and reasonable rate for the interstate shipment of crude oil the entire 800 mile distance from Prudhoe Bay to Valdez, Alaska, and not for rates charged for intermediate shipments through the Trans Alaska Pipeline, as well.[2]

In a letter dated December 19, 1977, ARCO Pipe Line Co., also a respondent in the captioned proceeding, filed comments on Alaska's petition. ARCO states it does not object to the proposed concurrent hearings, subject to approval of a stipulation concerning the scope of the hearings which has been negotiated and will be submitted by the parties. ARCO further states that if concurrent proceedings are held, a presiding officer of one commission should not communicate with a presiding officer of the other commission, except on the record, in order to preserve the independence and impartiality of each presiding official. ARCO adds that it is authorized to state that Union Alaska Pipeline Co. concurs in these comments.

Finally, Sohio Pipe Line Co. filed comments in reply to Alaska's petition on December 19, 1977. It also states it has no objection to concurrent hearings being scheduled, assuming the proposed stipulation of the parties is finalized and executed.

After reviewing Alaska's petition for concurrent hearings and the parties' comments in support, the Commission shall grant the request. We find the procedure for conducting concurrent evidentiary hearings as it was outlined in Alaska's petition would be suitable to be applied in the captioned proceeding scheduled before the FERC. In particular, each commission would designate a presiding officer or officers, and those officers would jointly preside over the hearings. Each officer would fully control assembling the record and ruling on the admissibility of evidence for the record of that officer's commission. Participation in concurrent evidentiary proceedings will in no way preclude either commission from causing to be presented pertinent evidence with respect to matters in issue in the case before it.

On December 27, 1977 the parties to the captioned proceeding submitted the stipulation referred to above concerning the scope of the concurrent proceedings. The stipulation provides in part that the signatories, who are parties in the FERC proceeding, will not oppose Alaska's petition for concurrent hearings provided Alaska files with each Commission a request that any authorized concurrent proceedings be held in accordance with the August 16, 1977 pre-hearing ruling of Administrative Law Judge Glennon which separated the proceeding for hearing and adjudication into two phases. The stipulation is referred to Administrative Law Judge Kane for consideration and ruling, subject to appeal to the Commission pursuant to the Commission's Rules.

The presiding officer designated by the FERC shall be the official to make all rulings with respect to scheduling witnesses and hearing dates and to announce all other rulings where there is no disagreement on the ruling between the presiding officers of the respective commissions. However, this procedure is without prejudice to the right of a presiding officer of the APC to announce a divergent ruling, whether respecting the admissibility of evidence or any other matter. In the event of divergent rulings, each commission's separate record will be clearly identified and defined, and the rulings of the presiding officers of each

[2] Exxon notes the tariffs filed by certain of the TAPS carriers include intermediate and in-transit rules identical with those set forth in their intrastate tariffs. Those rules are under investigation in this proceeding via former ICC Docket No. 36611, et al., consolidated with this proceeding.

commission will be considered the ruling for his or her commission. If in any proceeding, the ruling of one presiding officer has the effect of admitting any voluminous exhibit or testimony which is excluded by the ruling of another presiding officer, the taking of such evidence will, whenever possible, be deferred until after the completion of all proceedings which can be conducted under concurrent rulings. When such testimony is taken, the transcript of such evidence will be made available to the other commission, if requested.

In conducting such concurrent hearings, it is hoped that the presiding officers designated by each commission would cooperate in order to minimize divergent rulings and to expedite completion of the hearing records. However, we agree with the comments of several of the parties that a presiding officer of one commission should refrain from communicating with a presiding officer of the other commission on matters of substance outside of the record in the proceedings. The separate decisions of the respective presiding officers of each commission will, of course, be reached independently on the separate record of that commission and without consultation on substantive matters with an official of the other commission.

The Commission finds: It is in the public interest to grant the request of the State of Alaska that evidentiary hearings scheduled in the captioned proceeding with respect to Phase I issues be held concurrently with hearings by the APC in the related proceeding before it.

The Commission orders: (A) The petition filed November 16, 1977, by the State of Alaska is hereby granted, subject to the provisions discussed, supra. Accordingly, evidentiary hearings scheduled with respect to Phase I issues in the captioned proceeding shall be held concurrently with hearings before the APC in the related proceeding at a time designated by Judge Kane.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2339 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket No. ER77-483]

VIRGINIA ELECTRIC AND POWER CO.

Compliance Filing

JANUARY 20, 1978.

Take notice that Virginia Electric and Power Co. (VEPCO) on January 4, 1978, tendered for filing, pursuant to the Commission order of July 25, 1977, VEPCO's Electric Tariff, First Revised Volume No. 1 and Agreements for the Purchase of Electricity under this Revised Tariff for each resale municipal customer, except the town of Windsor, the city of Greenville and the town of Wakefield. VEPCO indicates that the Agreements for these three customers will be forwarded to the Commission as soon as they are received by VEPCO. VEPCO also tendered for filing rate schedules which VEPCO states reflect the terms to the approved settlement agreements effective November 28, 1977.

VEPCO states that it is VEPCO's understanding that the filing of the Tariff and the rate schedules completes the Commission's requirements in Docket No. ER77-483.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2334 Filed 1-26-78; 8:45 am]

[6740-02]

[Docket Nos. E-9420; E-9421]

YANKEE ATOMIC ELECTRIC CO. AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Compliance Filing

JANUARY 20, 1978.

Take notice that on September 19, 1977, Yankee Atomic Electric Co. and Public Service Co. of New Hampshire ("Applicants") tendered for filing contract revisions providing for a 9.72 percent overall rate of return in determining cost of service charges by Applicants pertaining to Yankee Atomic Electric Co.'s nuclear generating station. Applicants state that the contract revisions, together with a revised cost of service study and depreciation study, are submitted in compliance with ordering paragraph C of the Commission's order of July 20, 1977 in the captioned proceeding. Applicants propose to place in effect the methods prescribed by the Commission upon acceptance of their compliance filing and thereafter submit a report of refunds based on those methods as effective from June 2, 1975.

Applicants state that copies of their filing have been mailed to counsel for all parties and the affected customers.

Any person desiring to be heard or protest said filing should file protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2335 Filed 1-26-78; 8:45 am]

[3128-01]

CONDUCT OF EMPLOYEES

List of Positions Exempt From Disclosure Requirements of Section 603 of Public Law 95-91

The following is a list of specific positions and classes thereof, within the Department of Energy other than the Federal Energy Regulatory Administration, which are of a nonregulatory and nonpolicymaking nature at or below GS-12 of the General Schedule or the equivalent thereto. The individuals occupying these listed positions have been exempted from the disclosure requirements of subsection 603(a) of the Department of Energy Organization Act (Pub. L. 95-91). This list has been compiled pursuant to subsection 603(c) of Pub. L. 95-91.

Any individual occupying a position not listed below may request reconsideration of the determination by writing to:

Ralph D. Goldenberg, Office of the General Counsel, Department of Energy, Washington, D.C. 20545.

LIST OF DOE POSITIONS EXEMPT FROM SUBSECTION 603(a) OF THE DOE ORGANIZATION ACT (PUB. L. 95-91)

DIVISION OF REACTOR DEVELOPMENT AND DEMONSTRATION (HEADQUARTERS)

Position title	Series	Grade
Administrative Assistant	301	GS 12 and below.
Acquisition Management Clerk.	301	Do.
Administrative Aide	301	Do.
Mailroom Supervisor	305	Do.
Action Control Clerk	305	Do.
Mail and File Clerk	305	Do.
W.P. Operator	316	Do.

Position title	Series	Grade
Secretary	318	Do.
Executive Secretary	318	Do.
Secretary Typist	322	Do.
Administrative Assistant	341	Do.
Records Management Analyst.	343	Do.
Sr. W.P. Operator	350	Do.
W.P. Operator	350	Do.
Budget and Statistical Analyst.	560	Do.
Budget Assistant	560	Do.
Reactor Engineer	840	GS 9 and below.
Program Communications Specialist.	1082	GS 12 and below.
Management Assistant	1601	Do.

DIVISION OF WASTE MANAGEMENT (HEADQUARTERS)

Position title	Series	Grade
Administrative Assistant	301	GS 12 and below.
Mail and Records Supervisor	305	Do.
File Clerk	305	Do.
Mail and File Clerk	305	Do.
Secretary	318	Do.
Administrative Assistant	341	Do.
Budget Assistant	501	Do.
Budget Analyst	560	Do.
Communications Analyst	1084	Do.

OFFICE OF THE GENERAL COUNSEL (HEADQUARTERS)

Position title	Series	Grade
Litigation Aide (Secretary)	301	GS 12 and below.
Administrative Assistant	301	Do.
Administrative Aide	301	Do.
Legislative Assistant	301	Do.
Patent Clerk	301	Do.
Mail Clerk (Typist)	301	Do.
Docket Clerk (Secretary)	301	Do.
Clerk (Patents)	301	Do.
Clerical Assistant	301	Do.
Administration Services Technician.	301	Do.
Administrative Technician	301	Do.
Clerical Assistant (Typing)	301	Do.
Clerk (Typing)	301	Do.
Contract Analyst	301	Do.
Chief Mail and Records Section (Germantown).	305	Do.
Mail and Records Assistant	305	Do.
Clerk (Patents)	310	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Foreign Patent Clerk	318	Do.
Secretary	322	Do.
Administrative Officer	341	Do.
Budget and Fiscal Assistant	501	Do.
Paralegal Specialist	950	Do.
Librarian (Law)	1410	Do.

RESOURCE APPLICATIONS (ALL HEADQUARTERS OFFICES EXCEPT NAVAL PETROLEUM RESERVES)

Position title	Series	Grade
Economist (SPRO and URE only).	110	GS 12 and below.
Administrative Services Specialist.	301	Do.
Administrative Services Assistant.	301	Do.
Environment Specialist	301	Do.
Paralegal Specialist	301	Do.
Program Assistant	301	Do.
Clerk (Typing)	301	Do.
Clerk (Teletyping)	301	Do.
Correspondence Management Specialist.	301	Do.
Staff Assistant	301	Do.
Administrative Assistant	301	Do.
Administrative Aide	301	Do.
Fuels and Facilities Program Specialist.	301	Do.
Clerical Assistant (Stenographer).	301	Do.
Research Analyst	301	Do.
Facility Siting Program Specialist.	301	Do.
Materials Analyst	301	Do.
Program Specialist	301	Do.
Legislative Assistant	301	Do.
Mail and File Clerk	301	Do.
Coal Resources Program Specialist.	301	Do.
Clerk (Stenographer)	301	Do.
Clerical Assistant (Typing)	301	Do.
Resource Program Specialist	301	Do.
Research Assistant	301	Do.
Chief, Mail and Records Section.	305	Do.
Mail Analyst	305	Do.
Records Assistant	305	Do.
Clerk-Stenographer	312	Do.
Secretary (Stenographer)	312	Do.
Secretary	318	Do.
Secretary-Typist	322	Do.
Clerk-Typist	322	Do.
Assistant Administrative Officer.	341	Do.
Office Services Supervisor	342	Do.
Program Analyst	345	Do.
Communications Aide	394	Do.
Budget Analyst	560	Do.
Production Engineer	801	GS 9 and below.
General Engineer	801	Do.
Engineering Draftsman	818	GS 12 and below.
Mechanical Engineer	830	GS 9 and below.
Nuclear Engineer	840	Do.
Chemical Engineer	893	Do.
Production Systems Analyst.	893	Do.
Industrial Engineer	896	Do.
Writer-Editor	1082	GS 12 and below.
Public Utilities Assistant	1130	GS 9 and below.
Chemist	1320	Do.
Hydrologist	1320	Do.
Geologist	1350	Do.
Technical Information Specialist.	1412	GS 12 and below.
Operations Research Analyst.	1515	GS 11 and below.
Travel Coordinator	2132	GS 12 and below.
Student Aide	YU-3506	Hourly.

DIVISION OF SAFEGUARDS AND SECURITY (HEADQUARTERS)

Position title	Series	Grade
Senior Receptionist	034	GS 12 and below.
International Safeguards Specialist.	080	Do.
Internal Security Specialist	080	Do.
Screener Analyst	080	Do.
Screener	080	Do.
Security Officer	080	Do.
Physical Security Specialist	080	Do.
Security Assistant	080	Do.
Assessments Reports Specialist.	080	Do.
Administrative Assistant	301	Do.
Clerk, CPCI	301	Do.
Chief, CPCI	301	Do.
Internal Security Assistant	301	Do.
Clerk-Typist	301	Do.
Screener	301	Do.
H.Q. File Supervisor	301	Do.
T.S. Control Clerk	301	Do.
File Clerk	301	Do.
Pre-Screening and Reviewing Clerk.	301	Do.
Mail/Records Supervisor	305	Do.
Mail/Records Assistant	305	Do.
File Clerk	305	Do.
Clerk, CPCI	305	Do.
Secretary	312	Do.
Secretary	318	Do.
Safeguards Preference and Research Assistant.	318	Do.
Budget Assistant	501	Do.
Nuclear Materials Statistician.	525	Do.
Visual Aid Specialist	1001	Do.

DIVISION OF MILITARY APPLICATION (HEADQUARTERS)

Position title	Series	Grade
Technical Reviewer	080	GS 12 and below.
Budgetary and Reports Analyst.	301	Do.
Management Analyst	301	Do.
Project Control Analyst	301	Do.
Administrative Assistant	301	Do.
Emergency Operations Coordinator.	301	Do.
Chief, Records Section	305	Do.
Assistant Chief, Records Section.	305	Do.
Records Assistant	305	Do.
Mail and Reports Clerk	305	Do.
Code and Reference Clerk	305	Do.
Secretary	318	Do.
Budget and Accounting Analyst.	560	Do.
Weapon Data Clearance Specialist.	1412	Do.
Staff Assistant to the Director.	[1]	E-9 and below.

[1] Military.

DIVISION OF INTERNATIONAL SECURITY AFFAIRS (HEADQUARTERS)

Position title	Series	Grade
Special Security Officer	080	GS 12 and below.
Staff Assistant	131	Do.
Do	132	Do.
Information Analyst	301	Do.
Intelligence Reference Aide	301	Do.
Program Assistant	301	Do.
Information Systems Specialist.	301	Do.
Mail and Records Clerk	305	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Secretary-Typist	322	Do.
Chief, Administrative Branch.	341	Do.

OFFICE OF LASER FUSION (HEADQUARTERS)

Position title	Series	Grade
Administrative Assistant	301	GS 12 and below.
Secretary	318	Do.
Administrative Officer	341	Do.
Budget Program Analyst	345	Do.

DIVISION OF CLASSIFICATION (HEADQUARTERS)

Position title	Series	Grade
Administrative Assistant	301	GS 12 and below.
Data Base Maintenance and Retrieval Assistant.	301	Do.
Supervisor, Mail and Files	305	Do.
Mail and File Clerk	305	Do.

Position title	Series	Grade
Secretary	318	Do.
Secretary-Typist	322	Do.
Clerk-Stenographer	322	Do.
Clerk-Typist	322	Do.
Classification Analyst	1301	Do.
Do	1310	Do.

OFFICE OF THE ASSISTANT SECRETARY FOR DEFENSE PROGRAMS (HEADQUARTERS)

Position title	Series	Grade
Mail and Records Analyst	305	GS 12 and below.
Mail and Records Clerk	305	Do.
Secretary	318	Do.
Secretary-Typist	318	Do.
Clerk-Typist	322	Do.
Administrative Officer	341	Do.
Management Specialist	341	Do.
Management Specialist	343	Do.

OFFICE OF THE CONTROLLER (HEADQUARTERS)

Position title	Series	Grade
Administrative Aide	301	GS 12 and below.
Program Control Center Coordinator.	301	Do.
Financial Analyst	301	Do.
Management Information Technician.	301	Do.
Unit Chief (Payroll)	301	Do.
Clerk	301	Do.
Clerk-Typist	301	Do.
Accounting Clerk	301	Do.
Systems Analyst Technician.	301	Do.
Staff Assistant	301	Do.
Administrative Assistant	301	Do.
Reports Assistant	301	Do.
Mail Analyst	305	Do.
Secretary	312	Do.
Clerk Stenographer	312	Do.
Secretary	318	Do.
Clerk Typist	322	Do.
Systems Analyst	334	Do.
Administrative Assistant	341	Do.
Management Analyst	343	Do.
Program Analyst	345	Do.
Accounting Technician	501	Do.
Accounting Analyst	501	Do.
Accounting Reports Analyst.	501	Do.
Accounting Clerk	501	Do.
Senior Accounting Clerk	501	Do.
Unit Chief (Payroll)	501	Do.
Payroll Clerk	501	Do.
Section Chief (Travel)	501	Do.
Cashier	501	Do.
Section Chief (Commercial Payments).	501	Do.
Unit Chief (Commercial Payments).	501	Do.
Payments Clerk	501	Do.
Staff Accountant	501	Do.
Budget Analyst	501	Do.
Budget Analyst Technician	501	Do.
Budget Technician	501	Do.
Budget and Accounting Analyst.	504	Do.
Staff Accountant	510	GS 9 and below.
Accountant	510	Do.
Accounting Clerk	520	GS 12 and below.
Accounting Technician	520	Do.
Accounting Technician	525	Do.
Voucher Examiner	540	Do.
Unit Chief (Travel)	540	Do.
Senior Accounting Clerk	540	Do.
Unit Chief (Commercial Payments).	540	Do.
Voucher Processor	540	Do.
Payroll Technician	544	Do.
Section Chief (Payroll)	544	Do.
Payroll Clerk	544	Do.
Accounting Clerk	544	Do.
Payroll Supervisor	544	Do.
Budget Examiner	560	GS 9 and below.
Budget Analyst	560	Do.
Assistant Project Engineer	801	Do.
Assistant Cost Engineer	801	Do.
Engineering Assistant	802	GS 12 and below.
Financial Systems Analyst	1160	Do.

OFFICE OF THE ASSISTANT SECRETARY FOR ENVIRONMENT (HEADQUARTERS)

Position title	Series	Grade
Information Systems Analyst.	301	GS 12 and below.
Records Management Analyst.	301	Do.
Research Contract Analyst	301	Do.
Staff Assistant	301	Do.
Management Assistant (Economics).	301	Do.
Reports Analyst	301	Do.
Information Systems Coordinator.	301	Do.
Travel Coordinator	301	Do.
Travel and Administrative Clerk.	301	Do.
Environmental Assistant (Secretary).	301	Do.
Planning Aide	301	Do.
Clerical Assistant (Typing)	301	Do.
Clerk (DMT)	301	Do.
Mail and Records Specialist	305	Do.
Mail and File Clerk	305	Do.
Mail Clerk (Typing)	305	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Administrative Secretary	318	Do.
Secretary Typist	322	Do.
Management Assistant	340	Do.
Administrative Officer	341	Do.
Policy Analyst Social Science.	343	Do.
Budget Analyst	560	Do.
Staff Assistant	601	Do.
Fire Protection Engineer	803	GS 9 and below.
Systems Analyst	1520	GS 12 and below.

DIVISION OF MAGNETIC FUSION ENERGY—HEADQUARTERS

Position title	Series	Grade
Office Service Assistant	301	GS 12 or below.
Program Assistant	301	GS 11 or below.
Clerk-Stenographer	312	GS 12 or below.
Secretary	318	Do.
Administrative Officer	341	Do.
Budget Analyst	504	Do.

REGION I—BOSTON, MASS.

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 and below.
Personnel Assistant	203	Do.
Word Processing Supervisor.	203	Do.
General Clerk	301	Do.
Records Congrol Clerk	301	Do.
Federal Regional Council Liaison Officer.	301	Do.
Intergovernmental Relations Officer.	301	Do.
Consumer Affairs Officer	301	Do.
Energy Research Analyst	301	Do.
Energy Conservation Specialist.	301	Do.
Utilities and Power Plant Specialist.	301	Do.
Secretary	312	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Regional Administrator	334	Do.
Computer Aid	335	Do.
Energy Research Program Analyst.	345	Do.
Budget and Accounting Technician.	501	Do.
Public INformation Officer	1081	Do.

REGION II.—NEW YORK

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 or below.
Personnel Clerk—Typing	203	Do.
Energy Conservation Clerk	301	Do.
Clerk	301	Do.
Steno and Typing Supervisor.	313	Do.
Secretary—Steno	318	Do.
Secretary—Typing	318	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Office Services Manager	342	Do.
Accounts Maintenance Clerk	520	Do.
Accounts Technician	525	Do.
Supply Clerk	2005	Do.

REGION III.—PHILADELPHIA

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 and below.
Personnel Clerk	203	Do.
Consumer Affairs/Special Impact Officer.	301	Do.
Intergovernmental Program Specialist.	301	Do.
Energy Conservation Specialist.	301	Do.
Energy Resource Specialist	301	Do.
Clerk	301	Do.
Administrative Clerk	301	Do.
Mail Clerk	305	Do.
Clerk Steno	312	Do.
Secretary	318	Do.
Clerk Typist	322	Do.
Office Services Supervisor	342	Do.
Management Analyst	343	Do.
Fiscal and Budget Assistant	501	Do.
Voucher Examiner	540	Do.
General Engineer	801	Do.

REGION IV.—ATLANTA

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 and below.
Personnel Staffing and Classification.	201	Do.
Personnel Clerk	203	Do.
Supervisory Support Services Specialist.	301	Do.
Consumer Affairs Specialist	301	Do.
Energy Resource Development Specialist.	301	Do.
Energy Conservation Specialist.	301	Do.
Clerk/Typist	301	Do.
Mail Clerk	305	Do.
File Clerk	305	Do.
Clerk/Steno	312	Do.
Secretary	318	Do.
Clerk/Typist	322	Do.
Coding Clerk	357	Do.
Accounts Maintenance Clerk	520	Do.
Voucher Examiner	540	Do.
Public Information Officer	1081	Do.
Procurement Clerk	1106	GS5 and below.

Position title	Series	Grade
Statistical Assistant	1531	GS12 and below.

REGION V.—CHICAGO

Position title	Series	Grade
Social Science Analyst	101	GS 12 or below.
Personnel Assistant	203	Do.
Staff Assistant (stenography).	301	Do.
Support Services Specialist	301	Do.
Clerk Typist	301	Do.
Log Control Clerk	301	Do.
Clerk General	301	Do.
Clerk Typing	301	Do.
Mail Clerk	305	Do.
Clerk Stenographer	312	Do.
Secretary—Typing	318	Do.
Secretary (stenographer)	318	Do.
Secretary Stenography	318	Do.
Secretary	318	Do.
Clerk Typist	322	Do.
Office Services Supervisor	342	Do.
Communications Relay Operator.	390	Do.
Payroll and Accounting Technician.	501	Do.
Budget and Accounting Officer.	504	Do.
Budget and Accounting Analyst.	504	Do.
Legal Technician (typing)	986	Do.

REGION VI.—DALLAS

Position title	Series	Grade
Equal Employment Officer	160	GS 12 and below.
Personnel Officer	201	Do.
Personnel Management Specialist.	201	Do.
Personnel Clerk (typing)	203	Do.
General Clerk	301	Do.
Data Specialist	301	Do.
Energy Conservation Specialist.	301	Do.
Log Control Clerk	301	Do.
Clerk (typing)	301	Do.
Staff Assistant (typing)	301	Do.
Consumer Affairs/Special Impact Specialist.	301	Do.
Staff Assistant	301	Do.
Case Tracking Specialist	301	Do.
Data Review Clerk	301	Do.
Government Relations Specialist.	301	Do.
Clerk (steno)	301	Do.
Receptionist (typist)	304	Do.
Clerk (steno)	312	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Program Analyst	345	Do.
Communications Technician	392	Do.
Accounting Technician	525	Do.
Accounting Clerk	520	Do.
Voucher Examiner	540	Do.
Payroll Clerk	544	Do.
General Engineer	801	Do.
Petroleum Engineer (energy resource development only).	881	Do.
Physical Scientist	1301	Do.
Supply Clerk	2005	Do.
Inventory Management Specialist.	2010	Do.

REGION VII—KANSAS CITY

Position title	Series	Grade
Supervisory Personnel Management Specialist.	201	GS 12 and below.
Personnel Management Specialist.	201	Do.
Personnel Clerk (Typing)	203	Do.
Personnel Staffing Specialist	212	Do.
Position Classification Specialist.	221	Do.
Clerk (Typing)	301	Do.
Energy Resource Development Specialist.	301	Do.
Energy Conservation Specialist.	301	Do.
Clerk (Steno)	301	Do.
Staff Assistant	301	Do.
Mail and File Clerk	305	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Management Analyst	343	Do.
Management Assistant (Typing).	344	Do.
Program Analyst	345	GS 11 and below.
Operating Accountant	510	GS 12 and below.
Accounting Technician	525	Do.
Voucher Examiner	540	Do.
Applications Clerk (Steno)	963	Do.

REGION VIII—DENVER

Position title	Series	Grade
Social Service Analyst	101	GS 12 and below.
Equal Opportunity Specialist.	160	Do.
Personnel Management Specialist.	201	Do.
Personnel Assistant	201	Do.
Personnel Clerk	203	Do.
Clerk (Typing)	301	Do.
Clerk	301	Do.
Administrative Services Specialist.	301	Do.
Mail Clerk	305	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Computer Systems Analyst	334	Do.
Computer Technician	335	Do.
Teletypist	385	Do.
Voucher Examiner	540	Do.
General Engineer	801	Do.
Physical Scientist	1301	Do.
Student Aid	YW-3501	Hourly.

REGION IX—SAN FRANCISCO

Title	Series	Grade
Personnel Staffing Specialist	212	GS 12 or below.
Staff Assistant	301	Do.
Clerk Typing	301	Do.
Information Access Specialist.	301	Do.
Clerk Teletypist	301	Do.
Intergovernmental Relations Specialist.	301	Do.
Supervisor, Administrative Sevices Unit.	301	Do.
Staff Assistant (Steno)	301	Do.
Secretary	301	Do.
Clerk-Typist	301	Do.
Data Clerk	301	Do.
Clerk (Typing)	301	Do.
Clerk Typist	322	Do.
Accounting Clerk	525	Do.
Budget Analyst	540	Do.
Applications Clerk	963	Do.
Technical Information Specialist.	1412	Do.
Statistical Analyst	1531	Do.
Program Training Specialist.	1701	Do.
Supply Management Specialist.	2001	Do.

REGION X—SEATTLE

Position title	Series	Grade
Economist	110	GS 12 and below.
Personnel Officer	201	Do.
Personnel Management Specialist.	201	Do.
Personnel Clerk	203	Do.
Clerk (Typing)	301	Do.
Energy Program Specialist	301	Do.
Research Assistant	301	Do.
Environmental Specialist	301	Do.
Case Control Clerk	301	Do.
Support Service Technician	301	Do.
Clerk	301	Do.
Information Receptionist (Typing).	304	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Clerk Typist	318	Do.
Clerk-Typist	322	Do.
Office Service Manager	342	Do.
Budget and Accounting Officer.	504	Do.
Accounting Technician	524	Do.
Accounting Technician	525	Do.
Accounting Technician (Typing).	525	Do.
General Engineer	801	Do.
Public Information Specialist.	1081	Do.
Technical Information Specialist.	1412	Do.

ALASKA POWER ADMINISTRATION

Position title	Series	Grade
Personnel Assistant	203	GS 12 or below.
Clerk (Division Assistant)	301	Do.
Assistant to the Administrator.	318	Do.
Clerk Typist	322	Do.
Administrative Assistant	341	Do.
Management Assistant	344	Do.
Financial Management Officer.	505	Do.
Accountant	510	Do.
Accounting Technician	525	Do.
Office Draftsman	1021	Do.
Writer/Editor	1082	Do.

Hourly Employees Occupational Codes: WG 2806, WG 2843, WG 4742, WG 5349, WG 5407, WG 5803, and WS 5803.

ALBUQUERQUE OPERATIONS OFFICE

Position title	Series	Grade
Ind. Health Nurse	010	GS 12 and below.
Security Officer	080	Do.
Security Assistant	080	Do.
Security Specialist	080	Do.
Logistics Officer	080	Do.
Logistics Specialist	080	Do.
Senior Communications Con- troller.	080	Do.
Chief Communications Controller.	080	Do.
Safeguards Specialist	080	Do.
Training Specialist	080	Do.
Chief, Albuquerque Courier Section.	080	Do.
Clearance Processing Supervisor.	080	Do.
Fire Chief	081	Do.
Deputy Fire Chief	081	Do.
Fire Protection Specialist (Training).	081	Do.
Fire Marshal	081	Do.
Fire Prevention Inspector	081	Do.
Platoon Chief	081	Do.
Firefighter (Structural)	081	Do.
Convoy Commander	085	Do.

Position title	Series	Grade
Training Officer	085	Do.
Chief, Protective Force Section.	085	Do.
Operations Officer	085	Do.
Captains	085	Do.
Lieutenant	085	Do.
Area Sargeant	085	Do.
Security Inspector	085	Do.
Junior Security Inspector	085	Do.
Shift Sargeant	085	Do.
Chief Protective Force	085	Do.
Security Specialist (Shipment).	085	Do.
Teacher-Demonstrator	090	Do.
Personnel Officer	201	Do.
Personnel Intern	201	Do.
Personnel Assistant	203	Do.
Training Assistant	203	Do.
Personnel Assistant	203	Do.
Personnel Clerk	203	Do.
Statistical Assistant	301	Do.
Processing and Reports Supervisor.	301	Do.
Industrial Relations Assistant.	301	GS 6 and below.
Administrative Aide	301	GS 12 and below.
Security Assistant	301	Do.
Administrative Records Specialist.	301	Do.
Program Information Coordinator.	301	Do.
Program Coordination Assistant.	301	Do.
Reports Analyst	301	Do.
Word Processing Center Supervisor.	301	Do.
Equipment Assistant	301	Do.
Clerk (Typing)	301	Do.
Clerk (Steno.)	301	Do.
Administrative Assistant	301	Do.
Word Processing Operator	301	Do.
E.O.C. Specialist	301	Do.
Clerk (General)	301	Do.
Office Engineering Technician.	301	Do.
Records and Accounting Clerk.	301	Do.
Administrative Clerk	301	Do.
Quality Assurance Technical Aide.	301	Do.
Technical Clerk	301	Do.
Security Clerk	301	Do.
Processing Reports Records Clerk.	301	Do.
Directives Assistant	301	Do.
Records Control Clerk	305	Do.
Mail and Records Clerk	305	Do.
Coding and Filing Clerk	305	Do.
Mail Clerk	305	Do.
Chief, M.R. and T. Section	305	Do.
Records Specialist	305	Do.
Clerk Stenographer	312	Do.
Clerk Typist	312	Do.
Secretary Steno	312	Do.
Secretary	318	Do.
Secretary (Typing)	322	Do.
Clerk Typist	322	Do.
Contract Clerk Typist	322	Do.
Typesetter Operator	324	Do.
Computer Operator	332	Do.
Chief, Computer Unit	334	Do.
Computer Software Specialist.	334	Do.
Computer Software Programmer.	334	Do.
Systems Analyst	334	Do.
Programmer	334	Do.
Data Base Administrator	334	Do.
Weapons Information Coordinator.	334	Do.
Transportation Analyst	334	Do.
Computer Aide Scheduler	335	Do.
ADP Systems Librarian	335	Do.
Administrative Assistant	341	Do.
Administrative Aide	341	Do.
Chief, Administrative Support Section LAAO.	341	Do.
Administrative Officer (Except LAAO).	341	Do.
Chief, Office Services Section.	342	Do.
Chief, PS&C Section	342	Do.
Top Secret Control Officer	342	Do.
Management Analyst (Intern).	343	GS 11 and below.
Systems Analyst	345	GS 12 and below.
Key Punch Operator	356	Do.
Processing Reports Records Clerk.	356	Do.
Chief, Data Prep. and Control Unit.	359	Do.
Data Control Clerk	359	Do.
Data Preparation Clerk	359	Do.
Chief, Telecommunications Section.	391	Do.
Communications and Fire Alarm Operator.	392	Do.
Communications Equipment Operator.	392	Do.
Financial Management Assistant.	501	Do.
Chief, Administrative Support Section.	501	Do.
Chief, Accounts Payable Section.	501	Do.
Chief, Commercial Accounts.	501	Do.
Accountant	510	GS 11 and below.
Accounts Maintenance Clerk	520	GS 12 and below.
Accounting Clerk	520	Do.
Accounting Technician	525	Do.
Financial Analyst	525	Do.
Voucher Examiner	540	Do.
Voucher Clerk	540	Do.
Chief Travel	540	Do.
Travel Clerk	540	Do.
Chief, Payroll	545	Do.
Payroll Clerk	544	Do.
Budget Analyst	560	GS 9 and below.
General Engineer	801	Do.
Communications Engineer	801	GS 12 and below.
Engineering Student Trainee.	802	Do.
Technical Assistant	802	Do.
Chief, C & M Branch	856	Do.
Chief, Comm. Section	856	Do.
Electronics Technician	856	Do.
Communications Specialist	856	Do.
Electronic Surveillance Technician.	856	Do.
Industrial Engineer (Intern).	896	GS 9 and below.
Engineer Trainee	896	Do.
Administrative Assistant	986	GS 12 and below.
Museum Tech/Historian	1016	Do.
Museum Technician	1016	Do.
Museum Aide	1016	Do.
Chief, Graphic Arts Section.	1020	Do.
Illustrator	1020	Do.
Public Affairs Assistant	1081	Do.
Writer	1082	Do.
Contracts Assistant	1106	Do.
Contract File Clerk	1106	Do.
Health Physicist	1306	Do.
Safeguards Chemist	1320	GS 9 and below.
Registrar-Librarian (Typing)	1410	GS 12 and below.
Operations Research Analyst.	1515	GS 9 and below.
Statistical Clerk	1531	GS 12 and below.
Supervisory Supply Clerk	2005	Do.
Warehouseman	2005	Do.
Distribution Clerk	2005	Do.
Supply Clerk	2005	Do.
Equipment Controller	2005	Do.
Stores Equipment Specialist.	2005	Do.
Fleet Maintenance & Document Disposal Coordinator.	2101	Do.
Equipment Maintenance Specialist.	2101	Do.
Assistant Chief, Southwestern Courier Section.	2101	Do.
Chief, Western Courier Section.	2101	Do.
Travel Clerk	2132	Do.
Shipment Planning Assistant.	2151	Do.
Museum Director	10815	Do.

Hourly Employees Occupational Code: 3502, 3566, 4414, 4742, and 4749.

BARTLESVILLE ENERGY RESEARCH CENTER

Position title	Series	Grade
Personnel Officer	201	GS 12 and below.
Personnel Management Specialist.	201	Do.
Personnel Clerk	203	Do.
File Clerk (Typing)	305	Do.
Clerk Stenographer	312	Do.
Clerk Dict Machine Transcriber.	316	Do.
Engineering Draftsman	318	Do.
Clerk Typist	322	Do.
Computer Specialist	334	Do.
Computer Programmer	334	Do.
Computer Technician	335	Do.
Administrative Officer	341	Do.
Telephone Operator (Typing).	382	Do.
Budget Officer	560	Do.
Supervisory Engineering Technician.	802	Do.
Engineering Technician	802	Do.
Supervisory Mechanical Engineering Technician.	802	Do.
Mechanical Engineering Technician.	802	Do.
Petroleum Engineering Technician.	802	Do.
Engineering Aid	802	Do.
Safety Engineer	803	Do.
Mechanical Engineer	830	Do.
Electronics Engineer	855	Do.
Electronics Technician	856	Do.
Petroleum Engineer	881	Do.
Chemical Engineer	893	Do.
Office Draftsman	1021	Do.
Photographer	1060	Do.
Visual Information Specialist.	1084	Do.
Procurement Clerk (Typing)	1106	Do.
Physical Science Technician.	1311	Do.
Physical Science Aid	1311	Do.
Research Chemist	1320	Do.
Research Chemist (Project Leader).	1320	Do.
Supervisory Research Chemist.	1320	Do.
Chemist	1320	Do.
Geologist	1350	Do.
Administrative Librarian	1410	Do.
Librarian (Assistant Librarian).	1410	Do.
Library Technician (Typing)	1411	Do.
Library Aid (Typing)	1411	Do.
Library Aid	1411	Do.
Supply Technician	2005	Do.
Travel Clerk (Typing)	2132	Do.

Hourly Employees Occupational Code: 2805, 3359, 3506, 3566, 4605, 4607, 4749, 5306, 5406, and 6907.

BONNEVILLE POWER ADMINISTRATION

Position title	Series	Grade
Safety Specialist	018	GS 12 and below.
Safety Manager	018	Do.
Environmental Specialist	028	Do.
Fire Protection	081	Do.
Economist	110	Do.
Industry Economist	110	Do.
Regional Economist	110	Do.
Economics Assistant	119	Do.
Geographer	150	Do.
Equal Opportunity Specialist.	160	Do.
Counseling Psychologist	180	Do.
Sociologist	184	Do.
Personnel Management Specialist.	201	Do.
Labor-Management Relations and Wages.	201	Do.
Personnel Clerk	203	Do.
Staffing Clerk	203	Do.
Classification Clerk	203	Do.

Position title	Series	Grade
Employee Development Clerk.	203	Do.
Employee Relations Clerk	203	Do.
Personnel Assistant	203	Do.
Staffing Assistant	203	Do.
Employee Relations Assistant.	203	Do.
Classification Assistant	203	Do.
Personnel Staffing Specialist	212	Do.
Position Classification Specialist.	221	Do.
Employee Relations Specialist.	230	Do.
Labor Relations Specialist	233	Do.
Employee Development Specialist.	235	Do.
Executive Assistant	301	Do.
Environmental Specialist	301	Do.
Right-of-way Management Specialist.	301	Do.
Right-of-way Management Inspector.	301	Do.
Confidential Assistant to the Administrator.	301	Do.
Personnel Assistant	301	Do.
Right-of-way Maintenance Specialist.	301	Do.
Office Services Specialist	301	Do.
Property Management Clerk	301	Do.
Property Management Officer.	301	Do.
Property Management Assistant.	301	Do.
Power Mktg. Information Specialist.	301	Do.
Substation Construction Superintendent.	301	Do.
EIS Process Coordinator	301	Do.
Administrative Manager	301	Do.
Administrative Technician	301	Do.
Office Assistant	301	Do.
Lead Administrative Technician.	301	Do.
Administrative Clerk	301	Do.
General Clerk	301	Do.
Vouchering Clerk	301	Do.
Engineering Clerk	301	Do.
Drawing and Blueprint Clerk.	301	Do.
Construction Clerk	301	Do.
Document Control Clerk	301	Do.
Lead Word Processing Clerk.	301	Do.
Student Aide	301	Do.
Clerk	301	Do.
Realty Clerk	301	Do.
Appraisal Assistant	301	Do.
Work Order Clerk	301	Do.
Substation Operation Instructor.	301	Do.
Substation Operation Specialist.	301	Do.
Maintenance Aide	301	Do.
General Aide	301	Do.
Information Receptionist	304	Do.
Mail and File Clerk	305	Do.
Mail Clerk	305	Do.
Mail Supervisor	305	Do.
Files	305	Do.
File Clerk	305	Do.
Clerk-Stenographer	312	Do.
Word Processing Supervisor.	313	Do.
Clerk-Dictating Machine Trans.	316	Do.
Lead Clerk-Dictating Machine Trans.	316	Do.
Secretary	318	Do.
Clerk Typist	322	Do.
Computer Operator	332	Do.
Peripheral Equipment Operator.	332	Do.
Computer Systems Analyst	334	Do.
Computer Programmer	334	Do.
Computer Specialist	334	Do.
Computer Aide	335	Do.
Computer Technician	335	Do.
Administrative Officer	341	Do.
Administrative Assistant	341	Do.
Office Services Supervisor	342	Do.
Management Analyst	343	Do.
Management Assistant	344	Do.
Program Analyst	345	GS 11 and below.
Print Shop Clerk	351	GS 12 and below.
Card Punch Operator	356	Do.
Lead Card Punch	356	Do.
Data Transcriber	356	Do.
Coding Clerk	357	Do.
Telephone Supervisor	382	Do.
Telephone Operator	382	Do.
Lead Telephone Operator	382	Do.
Forester	460	Do.
Forestry Technician	462	Do.
Conservation Agronomist	471	Do.
Fishery Biologist	482	Do.
Wildlife Biologist	486	Do.
Supervisory Fiscal Specialist	501	Do.
Budget Technician	501	Do.
Travel Officer	501	Do.
Plant Accounting Assistant	501	Do.
Plant Accounting Analyst	501	Do.
Operating Accounting	510	Do.
Systems Accountant	510	Do.
Cost Accountant	510	Do.
Accountant	510	Do.
Staff Accountant	510	Do.
Accounts Maintenance Clerk	520	Do.
Accounting Technician	525	Do.
Voucher Examining Supervisor.	540	Do.
Lead Voucher Examiner	540	Do.
Voucher Examiner	540	Do.
Payroll Supervisor	544	Do.
Lead Payroll Technician	544	Do.
Payroll Clerk	544	Do.
Budget Analyst	560	Do.
Student Trainee (Accountant).	599	Do.
Nurse	610	Do.
Occupational Health Nurse	610	Do.
General Engineer	801	Do.
Engineering Technician	802	Do.
Engineering Aide	802	Do.
Civil Engineering Technician.	802	Do.
Electrical Engineering Technician.	802	Do.
Mechanical Engineering Technician.	802	Do.
Architecture Technician	802	Do.
Materials Engineer	806	Do.
Landscape Architect	807	Do.
Architect	808	Do.
Civil Engineer	810	Do.
Hydraulic Engineer	810	Do.
Structural Engineer	810	Do.
Surveying Technician	817	Do.
Engineering Draftsman	818	Do.
Sanitary Engineer	819	Do.
Mechanical Engineer	830	Do.
Nuclear Engineer	840	Do.
Electrical Engineer	850	Do.
Electronics Engineer	855	Do.
Electronics Technician	856	Do.
Industrial Engineer	896	Do.
Student Trainee (Electrical Engineer).	899	Do.
Student Trainee (Civil Engineer).	899	Do.
Student Trainee (General Engineer).	899	Do.
Conveyance Examiner	963	Do.
Para-Legal Assistant	986	Do.
Graphic Designer	1001	Do.
Exhibits Specialist	1010	Do.
Illustrator	1020	Do.
Office Draftsman	1021	Do.
Photographer	1060	Do.
Writer-Editor	1082	Do.
Technician Publication Writer-Editor.	1083	Do.
Technician Manuals Writer	1083	Do.
Visual Information Specialist.	1084	Do.
Editorial Assistant	1087	Do.
Power Billing Clerk	1101	Do.
Procurement Clerk	1106	GS 5 and below.
Public Utilities Assistant	1130	GS 7 and below.
Production Controller	1150	GS 12 and below.
Realty Specialist	1170	GS 9 and below.
Power Operations Specialist.	1301	GS 12 and below.
Physicist	1310	Do.
Physical Science Technician	1311	Do.
Hydrologist	1315	Do.
Chemist	1320	Do.
Meteorologist	1340	Do.
Meteorological Technician	1341	Do.
Geologist	1350	Do.
Supervisory Cartographer	1370	Do.
Supervisory Librarian	1410	Do.
Library Technician	1411	Do.
Technical Information Specialist.	1412	Do.
Mathematician	1520	Do.
Statistical Assistant	1531	Do.
Operations Superintendent	1601	Do.
Assistant Operations Superintendent.	1601	Do.
General Shops Superintendent.	1601	Do.
Vehicle Maintenance Superintendent.	1601	Do.
Line Vehicle Specialist	1601	Do.
Vehicle Records Officer	1601	Do.
Plant Maintenance Superintendent.	1601	Do.
Facility Manager	1640	Do.
Facility Management Specialist.	1640	Do.
Printing Officer	1654	Do.
Equipment Specialist	1670	Do.
Training Instructor	1712	Do.
Supply Control Assistant	2001	Do.
Supply Systems Analyst	2003	Do.
Supply Clerk	2005	Do.
Supply Technician	2005	Do.
Inventory Management Specialist.	2010	Do.
Distribution Facilities Officer.	2030	Do.
Transportation Officer	2101	Do.
Freight Rate Assistant	2131	Do.
Aircraft Dispatcher	2151	Do.
Airplane Pilot	2181	Do.
Helicopter Pilot	2181	Do.
Aircraft Pilot	2181	Do.

Hourly Paid Employees Occupational Codes: 0261407, 0261409, 0261410, 0261436, 0261475, 0261477, 0265077, 0280175, 0280177, 0280600, 0280601, 0280602, 0280603, 0280606, 0280612, 0280613, 0280625, 0280641, 0280654, 0280657, 0280673, 0280674, 0280800, 0280801, 0280802, 0280803, 0280804, 0280820, 0280841, 0280856, 0280857, 0280873, 0281000, 0284375, 0284377, 0284380, 0284409, 0284477, 0330024, 0330078, 0330080, 0341400, 0341441, 0341457, 0341473, 0345200, 0350100, 0350141, 0350173, 0350200, 0350600, 0356600, 0356141, 0360200, 0370300, 0370341, 0370373, 0370441, 0380600, 0380641, 0380673, 0410200, 0410241, 0410273, 0410400, 0420600, 0420641, 0420653, 0440100, 0440102, 0440103, 0440141, 0440200, 0441400, 0441412, 0441413, 0441418, 0441457, 0441703, 0441712, 0441713, 0441717, 0441728, 0444357, 0460700, 0460701, 0460756, 0460773, 0461800, 0470100, 0480600, 0480657, 0540100, 0540169, 0546300, 0546311, 0546342, 0546343, 0546344, 0546345, 0546365, 0546369, 0570100, 0570341, 0570357, 0570390, 0570391, 0571000, 0571023, 0571050, 0572200, 0572258, 0572273, 0574400, 0575300, 0580600, 0584100, 0584101, 0584120, 0584121, 0584141, 0584157, 0584173, 1690100, 0696000, 0696003, 0696041, 0696057, 0696073, 0885200, 0885273, 5425700, 5425701, 5425702, 5425703, 5425704, 5425705, 5425706, 5425764, 5425765, 5425766, 5425767, and 5425768.

CHICAGO OPERATIONS OFFICE

Position title	Series	Grade
Security Representative	0080	GS 12 and below.
Security Officer	0080	Do.
Security Assistant	0080	Do.
Management Assistant	201	Do.
Personnel Specialist	201	Do.
Personnel Clerk	203	Do.
Data Control Clerk	301	Do.
Administrative Assistant	301	Do.
Administrative Aide	301	Do.
Clerk	301	Do.

Position title	Series	Grade
Administrative Coordinator	301	Do.
Junior Accounting Clerk	301	Do.
Nuclear Materials Information Analyst.	301	Do.
Information Receptionist/File Clerk.	304	Do.
Mail Records and Secretary Supervisor.	305	Do.
Clerk	305	Do.
Mail and File Clerk	305	Do.
Distribution Clerk	305	Do.
Records and Document Control Clerk.	305	Do.
Clerk-stenographer	312	Do.
Secretary	318	Do.
Secretary-Receptionist	318	Do.
Secretary and Docket Clerk	318	Do.
Clerk-Typist	322	Do.
Analyst Programmer	334	Do.
Programs/Systems Analyst	334	Do.
Administrative Officer	341	Do.
Management Trainee	341	Do.
Office Services Specialist	342	Do.
Records Management Analyst.	343	Do.
Personnel Assistant	344	Do.
Teletype Operator	385	Do.
Communications Specialist	390	Do.
Communications Clerk	394	Do.
Accounting Clerk	501	Do.
Program Coordinator	501	Do.
Accounting Technician	525	Do.
Nuclear Materials Representative.	525	Do.
Payroll Technician	554	Do.
Budget Analyst	560	Do.
Electronic Engineer	855	Do.
Public Information Officer	1081	Do.
Information Assistant	1081	Do.
Contract Management Trainee.	1102	GS 7 and below.
Materials Management Specialist.	1103	GS 12 and below.
Property Management Specialist.	1103	GS 7 and below.
Purchasing Assistant	1105	Do.
Procurement Assistant	1106	Do.
Mass Spectroscopist	1301	GS 12 and below.
Health Physicist	1306	Do.
Scientific Aide	1311	Do.
Nuclear Material Control Technician.	1311	Do.
Nuclear Material Technician	1311	Do.
Laboratory Technician	1311	Do.
Instrument Technician	1311	Do.
Chemist	1320	Do.
Mathematical Statistician	1529	Do.
Property Clerk	2010	Do.
Travel Services Supervisor	2132	Do.
Travel Clerk	2132	Do.

Environmental Measurements Laboratory

Position title	Series	Grade
Personnel Specialist	201	GS 12 and below.
Administrative Aide	301	Do.
Clerk	301	Do.
Lab Aide	301	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Clerk-Stenographer	318	Do.
Computer Technician	335	Do.
Accountant	510	Do.
Industrial Hygienist	690	Do.
Mechanical Design Technician.	802	Do.
Mechanical Engineer	830	Do.
Electrical Engineer	850	Do.
Lab Tech	856	Do.
Electronic Development Technician.	856	Do.
Editorial Assistant	1087	Do.
Physical Scientist	1301	Do.
Lab Tech	1311	Do.
Chemist	1320	Do.
Physical Science TR	1399	Do.
Librarian	1410	Do.
Statistician	1529	Do.
Property and Supply Clerk	2005	Do.
Property Management Specialist.	2010	Do.

Hourly Employees Occupational Code: 3345, 3414, 3412, 4443, 4712, 4749, 6907, and 7002.

Grand Forks Energy Research Center

Position title	Series	Grade
Economist	110	GS 12 and below.
Personnel Officer	201	Do.
Clerk-Typist	322	Do.
Administrative Officer	341	Do.
Administrative Assistant	341	Do.
Engineering Technician	802	Do.
Mechanical Engineering Technician.	802	Do.
Engineering Draftsman	818	Do.
Mechanical Engineer	830	Do.
Chemical Engineer	893	Do.
Purchasing Clerk	1105	Do.
Physical Scientist	1301	Do.
Physicist	1310	Do.
Physical Science Aide	1311	Do.
Chemist	1320	Do.
Research Chemist	1320	Do.
Geologist	1350	Do.
Geologist Graduate Student.	1350	Do.

Hourly Paid Employees Occupational Code: 3359, 3414, 3506, 3806, 4740, 4749, and 5441.

Grand Junction Office

Position title	Series	Grade
Clerk	203	GS 12 and below.
Mail and Records Clerk	305	Do.
Secretary	318	Do.
Administrative Secretary	318	Do.
Clerk Typist	322	Do.
Data Support Specialist Trainee.	332	Do.
Clerk	501	Do.
Geological Engineer	880	GS 9 and below.

Idaho Operations Office

Position title	Series	Grade
Senior Personnel Security Officer.	080	GS 12 and below.
Security Assistant	080	Do.
Security Representative	080	Do.
Fire Chief	081	Do.
Deputy Fire Chief	081	Do.
Captain	081	Do.
Lieutenant	081	Do.
Lieutenant-Inspector	081	Do.
Pump Operator	081	Do.
Fire Alarm Operator	081	Do.
Firefighter	081	Do.
Captain	0085	Do.
Security Officer	0085	Do.
Lieutenant	0085	Do.
Patrol Sergeant	0085	Do.
Area Sergeant	0085	Do.
Security Inspector	0085	Do.
Security Guide	0085	Do.
Traffic and Shipment Officer.	0085	Do.
Personnel Specialist	203	Do.
Personnel Assistant	203	Do.
Personnel Clerk	203	Do.
Security Clerk	301	Do.
Administrative Assistant	301	Do.
Administrative and Clerical Assistant.	301	Do.
Administrative Clerk	301	Do.
Institutional Relations Specialist.	301	Do.
Receptionist	301	Do.
ADP and Telecommunications Specialist.	301	Do.
New College Hire—Plans, Budget, and Engineering.	301	Do.
Dosimetry Technician	301	Do.
Personnel Metering Clerk	301	Do.
Mail Room Supervisor	305	Do.
Mail and Records Assistant	305	Do.
Secretary	312	Do.
Clerk-Stenographer	312	Do.
Medical Secretary	318	Do.
Executive Assistant	318	Do.
Secretary	318	Do.
Secretary-Timekeeper	318	Do.
Clerk-Stenographer	322	Do.
Clerk-Typist	322	Do.
Administrative Officer	341	Do.
New College Hire—Energy and Technology.	343	Do.
Management	344	Do.
Reports Analyst	344	Do.
Planning Analyst	345	Do.
Text Processing Machine Operator.	350	Do.
Warning Communications Specialist.	392	Do.
Radioecologist	401	Do.
Budget Clerk-Secretary	501	Do.
Budget Technician	504	Do.
Financial Analyst	510	Do.
Accountant	510	Do.
Accounting Technician	525	Do.
Voucher Examiner	540	Do.
Payroll Technician	544	Do.
Budget Analyst	560	Do.
Examining Technician	601	Do.
Assistant Head Nurse	610	Do.
Medical Technologist	644	Do.
X-Ray Technician	647	Do.
Resident Engineer	801	Do.
New College Hires—Reactor Operations Programs, Engineering Construction Management.	810	Do.
Electronics Engineer	855	Do.
Electronics Development Technician.	856	Do.
Technical Communications Representative.	856	Do.
Calibration Technicians	856	Do.
Electronics Technicians	856	Do.
Project Management Analyst.	895	Do.
Industrial Engineer	896	Do.
Information Assistant	1087	Do.
Property Management Assistant.	1103	Do.
Dosimetry Systems Specialist.	1301	Do.
Environmental Radiation Specialist.	1301	Do.
Health Physicist (except in operation safety division).	1306	Do.
Physicist	1310	Do.
Counting Room Technician	1311	Do.
Radiation Spectrometry Technician.	1311	Do.
Health Physicist Technician.	1311	Do.
Dosimetry Technician	1311	Do.
Chemist	1320	Do.
Radiochemist	1320	Do.
New College Hire—Energy and Technology.	1350	Do.
Travel Assistant	2132	Do.

Laramie Energy Research Center

Position title	Series	Grade
Supervisory Personnel Officer.	201	GS 12 and below.
Personnel Clerk	203	Do.
Mail Clerk	305	Do.
Secretary	318	Do.
Secretary (steno)	318	Do.
Clerk-Typist	322	Do.
Computer Systems Analyst	334	Do.
Computer Specialist	334	Do.
Computer Aide	355	Do.

Position title	Series	Grade
Office Services Supervisor	342	Do.
Telephone Operator	382	Do.
Time, Leave, and Payroll Clerk.	544	Do.
Environmental Engineer	801	Do.
Engineering Technician	802	Do.
Petroleum Engineering Technician.	802	Do.
Engineering Draftsman	818	Do.
Mechanical Engineer	830	Do.
Resident Mechanical Engineer.	830	Do.
Electronics Engineer	835	Do.
Instrumentation Engineer	855	Do.
Electronics Technician	856	Do.
Petroleum Engineer	881	Do.
Chemical Engineer	893	Do.
Photographer	1060	Do.
Editor	1082	Do.
Visual Information Specialist.	1084	Do.
Procurement Clerk	1106	Do.
Process Analyst	1301	Do.
Physicist	1310	Do.
Research Physicist	1310	Do.
Physical Scientist Technician.	1311	Do.
Physical Science Aide	1311	Do.
Chemist	1320	Do.
Resident Chemist	1320	Do.
Geologist	1350	Do.
Mathematician	1520	Do.
Supply Technician	2005	Do.
Supply Clerk	2005	Do.
Travel Clerk	2132	Do.

Hourly Paid Employees: WG 1343, WG 2805, WG 3412, WG 3502, WG 3566, WG 3703, WG 3743, WG 4204, WG 4712, WG 4749, WG 5402, WS 5402, WG 5441, WG 5716, WG 5729, WG 5803, WL 5803, and WG 5823.

Morgantown Energy Research Center

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 and below.
Personnel Assistant	203	Do.
Personnel Clerk (Typing)	203	Do.
Clerk Stenographer	212	Do.
Staff Assistant	301	Do.
Information Receptionist	304	Do.
Clerk Stenographer	312	Do.
Secretary	318	Do.
Clerk Typist	322	Do.
Computer Systems Operator	332	Do.
Computer Specialist	334	Do.
Computer Programmer	334	Do.
Supervisory Program Analyst.	345	Do.
Program Analyst	345	Do.
Office Machine Operator	350	Do.
Budget and Accounting Clerk.	501	Do.
Petroleum Engineer Technician.	802	Do.
Physical Science Technician.	802	Do.
Engineering Technician	802	Do.
Electronics Technician	802	Do.
Supervisory Engineering Technician.	802	Do.
Safety Engineer	803	Do.
Civil Engineer	810	Do.
Supervisory Engineering Draftsman.	818	Do.
Engineering Draftsman	818	Do.
Mechanical Engineer	830	Do.
Electrical Engineer	850	Do.
Electronics Engineer	855	Do.
Electronics Technician	856	Do.
Petroleum Engineer	881	Do.
Chemical Engineer	893	Do.
Photographer	1060	Do.
Property Management Assistant.	1103	Do.
Procurement Clerk	1106	Do.
Purchasing Assistant	1106	Do.
Research Physicist	1210	Do.
Supervisory Research Physicist.	1310	Do.
Research Physicist	1310	Do.
Physicist	1310	Do.
Physical Science Technician.	1311	Do.
Geochemist	1320	Do.
Chemist	1320	Do.
Research Chemist	1320	Do.
Biochemist	1320	Do.
Supervisory Chemist	1320	Do.
Geologist	1350	Do.
Librarian	1410	Do.
Assistant Librarian	1410	Do.
Library Aide (Typing)	1411	Do.
Library Aid (Student Assistant).	1411	Do.
Technical Information Analyst.	1412	Do.
Mathematician	1520	Do.
Statistical Clerk	1530	Do.
Shop Manager	1640	Do.
Supervisory Supply Specialist.	2001	Do.
Travel Clerk (Typing)	2132	Do.

Hourly Paid Employees Occupational Code: 2805, 3305, 3359, 3414, 3502, 3703, 3806, 4204, 4607, 4749, 5402, 5823, and 6907.

Naval Petroleum and Oil Shale Reserve Headquarters and Field Organizations

Position title	Series	Grade
Personnel Assistant	203	GS 12 and below.
Clerk	203	Do.
Clerk (Typing and Steno)	301	Do.
Head, Administrative Department & Division.	301	Do.
Head, Administrative Section.	301	Do.
Staff Asst. Engineering Department.	301	Do.
Supply/Travel Clerk	301	Do.
Clerk-Engineering Division	301	Do.
Mail and File Clerk	305	Do.
Clerk (stenography)	312	Do.
Mail and File Clerk-Typing	312	Do.
File Clerk	315	Do.
Clerk-Dictating Machine Transcriber.	316	Do.
Secretary	318	Do.
Secretary (stenography)	318	Do.
Secretary (typing)	318	Do.
Clerk-Typist	322	Do.
Director, Admin. Division	341	Do.
Administrative Officer	341	Do.
Accounts Maintenance Clerk	520	Do.
Accounting Technician	525	Do.
Budget Analyst	560	Do.
Engineering Technician	802	Do.
Petro. Engr. Technician	802	Do.
Geological Technician	802	Do.
Procurement Clerk	1106	Do.

Nevada Operations Office

Position title	Series	Grade
Emergency Response Officer	018	GS 12 and below.
Security Assistant	080	Do.
Clearance Processing Specialist.	080	Do.
Security Screener	080	Do.
chief, Visitor Control	080	Do.
Visitor Control Clerk	080	Do.
Personnel Representative	201	Do.
Personnel Clerk	203	Do.
Administrative Assistant	301	Do.
Administrative Services Coord..	301	Do.
Records & Schedules Asst.	301	Do.
Clearance Processing Assistant.	301	Do.
Clearance Processing Clerk	301	Do.
Management/Training Technician.	301	Do.
Clerk-Messenger	302	Do.
Mail and Records Supervisor	305	Do.
Mail and Records Clerk	305	Do.
Administrative Services Clerk.	305	Do.
Clerk-Stenographer	312	Do.
Administrative Assistant	318	Do.
Secretary-Stenographer	318	Do.
Secretary	318	Do.
CEP Administrative Assistant.	318	Do.
Clerk-Typist	322	Do.
EDP Analyst	335	Do.
Records Management Assistant.	342	Do.
Management/Training Analyst.	343	Do.
Operations Officer	345	Do.
Operations Coordinator	345	Do.
Air Operations Coordinator	345	Do.
Operations of A/C Coordinator.	345	Do.
Operations Assistant	345	Do.
Planning Analyst	345	GS 9 and below.
Account Trainee	510	GS 7 and below.
Accountant (Internal Accounting Only).	510	GS 12 and below.
Fiscal Accountant	525	GS 12 and below.
Audit Technician	525	GS 7 and below.
Budget Analyst	560	GS 12 and below.
Law Librarian	986	Do.
Visitor Coordinator	1001	Do.
Information Assistant	1001	Do.
Nuclear Materials Officer	1103	Do.
Librarian	1410	Do.
Library Technician	1411	Do.
Travel Assistant/Agent Cashier.	2132	Do.

Oak Ridge Operations Office

Position title	Series	Grade
Security Assistant	080	GS 12 and below.
Security Officer	080	Do.
Security Education Officer	080	Do.
Security Screener	080	Do.
Senior Personnel Security Analyst.	080	Do.
Security Clearance Processing Supervisor.	080	Do.
Security Clerk (Typing)	080	Do.
Chief, Oak Ridge Security Patrol Section.	085	Do.
Security Inspector (Operations Officer).	085	Do.
Security Inspector (Assistant Operations Officer).	085	Do.
Operations Officer Trainee	085	Do.
Security Inspector (Field Supervisor).	085	Do.
Security Inspector (Facility).	085	Do.
Assistant Shipment Sec. Coordinator.	085	Do.
Shipment Security Coordinator.	085	Do.
Shipment Crew Chief	085	Do.
Security Inspector (Shipment).	085	Do.
Chief, Shipment Operations.	085	Do.
Student Trainee	099	Do.
Personnel Officer	201	Do.
Personnel Management Specialist.	201	Do.
Personnel Assistant	203	Do.
Personnel Clerk (Typing)	203	Do.
Industrial Relations Assistant.	246	Do.
Administrative Assistant	301	Do.
Student Aid	301	Do.
Clerk (Typing)	301	Do.
Equal Opportunity Assistant	301	Do.
Security Clerk (Typing)	301	Do.
Office Services Clerk	301	Do.
Document Control Clerk	301	Do.

Position title	Series	Grade
Administrative Officer	301	Do.
Contract Control Clerk	301	Do.
Clerk (Stenography)	301	Do.
Legal Clerk	305	Do.
Mail and File Clerk (Typing)	305	Do.
Mail and File Clerk	305	Do.
Records Clerk (Typing)	305	Do.
Mail Clerk	305	Do.
Clerk (Typing)	305	Do.
Data Control Clerk	305	Do.
Mail and File Supervisor	305	Do.
Clerk-Stenographer	312	Do.
Clerk-Steno (Mag Card Typ. Operator).	312	Do.
Clerk (Stenography)	312	Do.
Clerk-Dict. Mchn. Transcriber.	316	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
File Clerk (Typist)	322	Do.
Clerk Typist (Mag Card Typ. Operator).	322	Do.
Clerk (Typing)	322	Do.
General Clerk (Typing)	322	Do.
Security Clerk (Typing)	322	Do.
Chief, Composing Section (TIC).	324	Do.
Assistant Chief, Composing Section (TIC).	324	Do.
Sr. Systems Compositor	324	Do.
Systems Compositor	324	Do.
Journal Compilation Gr. Ldr	324	Do.
Composing Machine Oper	324	Do.
Comp. Machine Oper. (Trainee).	324	Do.
Remote Station Operator	332	Do.
Remote Station Operator (Trainee).	332	Do.
Computer Operator (Supv.)	332	Do.
Computer Operator	332	Do.
Computer Operator (Trainee).	332	Do.
Programmer Analyst	334	Do.
Operations Analyst	334	GS 9 and below.
ADP Systems Analyst	334	GS 12 and below.
Computer Programmer (Trainee).	334	Do.
Programmer Aid	335	Do.
Computer Operations Spec	335	Do.
Senior Data Control Clerk	335	Do.
Administrative Officer	341	Do.
Chief, Administrative Division, CRBRPO.	341	Do.
Assistant Chief, Office Services Branch.	342	Do.
Records Officer	342	Do.
Records Analyst	342	Do.
Mail and File Supervisor	342	Do.
Offices Services Supervisor	342	Do.
Assistant Chief, Document Management Branch (TIC).	342	Do.
Administrative Assistant	342	Do.
Management Analyst	343	Do.
Reproduction and Stores Clerk.	350	Do.
Reproduction and Distribution Clerk.	350	Do.
Publications Clerk	351	Do.
Printing Assistant	351	Do.
Clerk (Typing)	351	Do.
Keypunch Operator	356	Do.
Communications Equipment Oper. (Supr.).	392	Do.
Communications Equipment Oper. (Comp.).	392	Do.
Communications Specialist	393	Do.
Chief, Accounts Payable, Payroll, and Travel Section.	501	Do.
Accounting Technician	501	Do.
Accountant (SS Matls.)	501	GS 11 and below.
Accountant	510	Do.
Systems Accountant	510	Do.
Accountant (SS Matls)	510	Do.
Accounting Technician	525	GS 12 and below.
Accounting Technician (SS Matls.).	525	Do.
Fiscal Accountant	525	Do.
Voucher Examiner	540	Do.
Payroll-Operations Supv	544	Do.
Employment Records and Payroll Clerk.	544	Do.
Budget Analyst	560	GS 9 and below.
Accounting Co-op Student	599	GS 12 and below.
Student Trainee (Accounting).	599	Do.
Occupational Health Nurse	610	Do.
Industrial Hygienist	690	Do.
General Engineer	801	GS 9 and below.
Technical Security Engineer	801	GS 12 and below.
Engineering Technician	802	Do.
Safety and Fire Protection Engineer.	804	GS 9 and below.
Engineering Draftsman (Patent).	818	GS 12 and below.
Environmental Engineer	819	GS 9 and below.
Mechanical Engineer	830	Do.
Scientific Analyst (Mechanical Engineer) (TIC).	830	GS 12 and below.
Nuclear Engineer	840	GS 9 and below.
Operations Analyst	840	Do.
Scientific Analyst (Reactor Technician) (TIC).	840	GS 12 and below.
Electrical Engineer	850	GS 9 and below.
Electronics Engineer	855	Do.
Chemical Engineer	893	Do.
Operations Analyst	896	Do.
Engineer Co-op Student	899	GS 12 and below.
Student Trainee (Engineer)	899	Do.
Publications Illustrator	1001	Do.
Layout Artist (Publications).	1001	Do.
Layout Artist	1001	Do.
Assistant Chief, Publishing Services Section (TIC).	1020	Do.
Scientific Illustrator (Supervisor).	1020	Do.
Scientific Illustrator	1020	Do.
Photographer	1060	Do.
Publications Editor	1082	Do.
FIND Publications Editor	1082	Do.
Editorial Assistant	1087	Do.
Senior Editorial Asst	1087	Do.
Proofreading Clerk	1087	Do.
FIND Publications Editor	1087	Do.
Property Management Officer.	1103	Do.
Property Management Assistant.	1103	Do.
General Clerk (Typing)	1106	Do.
Industrial Participation Assistant.	1150	GS 9 and below.
Physical Scientist	1301	Do.
General Physical Scientist (TIC).	1301	GS 12 and below.
Scientific Analyst (General Physical Scientist) (TIC).	1301	Do.
Scientific Analyst (Reactor Tech) (TIC).	1310	Do.
Scientific Analyst (Physics) (TIC).	1310	Do.
Chemist	1320	GS 9 and below.
Scientific Analyst (Chemistry) (TIC).	1320	GS 12 and below.
Radiochemist	1320	GS 9 and below.
Librarian	1410	GS 12 and below.
Library Assistant	1411	Do.
Library Technician	1411	Do.
Library Assistant (Typing)	1411	Do.
Chief Publications Request Section (TIC).	1411	Do.
Library Technician (Research).	1411	Do.
Library Technician (Education).	1411	Do.
Chief, Motion Picture Services Section (TIC).	1411	Do.
Library Specialist (Motion Picture).	1411	Do.
Supervisory Library Technician.	1411	Do.
Library Assistant (Descriptive Catalog).	1411	Do.
Library Technician (Descriptive Catalog).	1411	Do.
Tech Information Specialist (Education).	1412	Do.
Library Assistant (Education).	1412	Do.
Operations Analyst	1515	GS 9 and below.
Statistical Assistant	1531	GS 12 and below.
Building Superintendent	1640	Do.
Assistant Chief, Printing Branch.	1654	Do.
Equipment Priority Assistant Specialist.	1670	Do.
Motor Vehicle Specialist	1670	Do.
Supply Management Assistant.	2003	Do.
Supply Officer	2003	Do.
Printing and Publications Clerk.	2005	Do.
Storekeeping Clerk	2005	Do.
Supervisory Storekeeping Clerk.	2005	Do.
Receiving Clerk	2005	Do.
Assistant Chief, Transportation Branch.	2130	Do.
Shipment Clerk (Steno)	2134	Do.

Hourly Paid Employees Occupational Code: 4402, 4414, and 4417.

PITTSBURGH ENERGY RESEARCH CENTER

Position title	Series	Grade
Safety Specialist	18	GS 12 and below.
Personnel Clerk	203	Do.
Word Processing Clerk	301	Do.
Clerical Aid	301	Do.
Clerk-Stenographer	312	Do.
Secretary	312	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Computer Programmer	334	Do.
Computer Aid	335	Do.
Chief, Administrative Services Branch.	342	Do.
Office Machine Operator	350	Do.
Occupational Health Nurse	610	Do.
Chemical Engineering Technician (nonsupervisory).	802	Do.
Engineering Technician (nonsupervisory).	802	Do.
Electrical Engineering Technician (nonsupervisory).	802	Do.
Engineering Draftsman	818	Do.
Mechanical Engineer (nonsupervisory).	830	Do.
Technical Assistant	830	Do.
Electronics Technician (nonsupervisory).	856	Do.
Chemical Engineer (nonsupervisory).	893	Do.
Chemical Engineer (Coop Student).	899	Do.
Public Information Officer	1081	Do.
Procurement Clerk	1106	Do.
Physical Scientist(nonsupervisory).	1301	Do.
Research Physicist (nonsupervisory).	1310	Do.
Physicist (nonsupervisory)	1310	Do.
Physical Science Technician (nonsupervisory).	1311	Do.
Physical Science Aid	1311	Do.
Research Chemist (nonsupervisory).	1320	Do.
Chemist (nonsupervisory)	1320	Do.
Mathmetician	1520	Do.
Computer Specialist	1521	Do.
Supply Technician	2005	Do.
Supply Clerk	2005	Do.
Travel Clerk	2132	Do.
Assistant Travel Clerk	2132	Do.

Hourly Paid Employees: WG 3305, WG 3359, WL 3359, WG 3501, WG 3703, WG 4204, WG 4740,WS 4740,WG 5348, WG 5441, WL5441, and WS 5441.

PITTSBURGH NAVAL REACTORS OFFICE

Position title	Series	Grade
Security Assistant	080	GS 12 and under.
Security Screener	080	Do.
Visitor Control Clerk	080	Do.
Personnel Management Assistant.	201	Do.
Personnel Assistant	203	Do.
Travel Voucher Clerk	301	Do.
Clerk Stenographer	312	Do.
Secretary	318	Do.
Clerk Typist	322	Do.
Administrative Assistant	341	Do.
Records Management Technician.	344	Do.
Teletype Operator	385	Do.
Accountant	501	Do.
Accounting Technician	525	Do.
Budget Analyst	560	Do.
Physical Science Speialist	1301	Do.
Property Management Assistant.	2003	Do.

RICHLAND OPERATIONS OFFICE

Position title	Series	Grade
Personnel Security Analyst	0080	GS 12 and below.
Inspector/Escort	0080	Do.
Security Screener	0080	Do.
Escort	0080	Do.
Security Officer	0080	Do.
Security Operations Specialist.	0080	Do.
Personnel Officer	201	Do.
Personnel Technician	203	Do.
Labor Relations Specialist	246	Do.
Administrative Assistant	301	Do.
Clerk	301	Do.
Public Affairs Clerk	301	Do.
Insurance and Processing Clerk.	301	Do.
Mail and Commitment Control Clerk.	301	Do.
Contract Clerk	301	Do.
Clerk Messenger	302	Do.
Receptionist	304	Do.
Document Control Clerk	305	Do.
Commitment Control Clerk	305	Do.
Clerk Stenographer	312	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Administrative Assistant	341	Do.
International Programs Specialst.	342	Do.
Records, Mail and Commitment Control Supervisor.	342	Do.
Planning Analyst	345	GS 11 and below.
Telecommunications Operator.	392	GS 12 and below.
Telecommunications Assistant.	393	Do.
Telecommunications Specialist.	393	Do.
Budget Technician	501	Do.
Budget Clerk	501	Do.
Financial Officer	504	Do.
Accountant	510	Do.
Accounting Clerk	520	Do.
Accounting Technician	525	Do.
Financial Technician	525	Do.
Budget Analyst	560	Do.
Public Affairs Specialist	1081	Do.
Technical Assistant	1081	Do.
Property Management Assistant.	1103	Do.
Emergency Preparedness Assistant.	1301	Do.
Health Physicist	1306	Do.
Travel Clerk	2132	Do.
Transportation Assistant	2134	Do.

SAN FRANCISCO OPERATIONS OFFICE

Position title	Series	Grade
Security Specialist	080	GS 12 and below.
Personnel Security Specialist.	080	Do.
Security Assistant	080	Do.
Convoy Commander	085	Do.
Convoy Commander-Mail Channels.	085	Do.
Security Specialist	085	Do.
Personnel Relations Officer	201	Do.
Personnel Assistant	201	Do.
Personnel Assistant	203	Do.
Management Trainee (except Procurement).	301	Do.
Administrative Assistant	301	Do.
Administrative Clerk	301	Do.
Security Clerk	301	Do.
Office Services Assistant	301	Do.
Clerk	301	Do.
Engineering Management Staff Assistant.	301	Do.
Staff Assistant	301	Do.
Proofreader	301	Do.
Mail and Records Supervisor	305	Do.
Records Clerk	305	Do.
Mail and Records Clerk	305	Do.
Clerk-Stenographer	312	Do.
Supervisor, Word Processing Center.	313	Do.
Word Processing Technician.	316	Do.
Clerk-Transcriber	316	Do.
Secretary	318	Do.
Administrative Clerk	318	Do.
Clerk Typist	322	Do.
Clerk Typist Admin. Clerk	322	Do.
Computer Specialist	334	Do.
Computer Programmer/Analyst.	334	Do.
Programmer Assistant	334	Do.
Assistant Program Coordinator.	340	GS 9 and below.
Assistant Program Coordinator Trainee.	340	Do.
Chief Communications Services Branch.	342	GS 12 and below.
Assistant Program Coordinator.	345	GS 9 and below.
Data Transcriber	356	GS 12 and below.
Communications Equipment Operator.	390	Do.
Communications Officer	393	Do.
Communications Specialist	393	????
Management Accountant	510	GS 11 and below.
Accounting Technician	525	GS 12 and below.
Nuclear Materials Analyst	525	Do.
Budget Analyst	560	GS 9 and below.
Assistant Budget Analyst	560	GS 12 and below.
Assistant Project Manager	801	GS 9 and below.
Project Engineer	801	Do.
Assistant Program Coordinator.	840	Do.
Project Engineer	840	Do.
Assistant Program Coordinator.	893	Do.
Illustrator	1021	GS 12 and below.
Assistant Public Affairs Officer.	1081	Do.
Public Affairs Officer	1081	Do.
Technical Information Assistant.	1081	Do.
Hawaii Liaison Officer	1081	Do.
Office Services Coordinator	1101	Do.
Reports Analyst	1106	Do.
Administrative Clerk	1106	Do.
Library Technician	1411	Do.
Library Aid	1411	Do.
Training Consultant	1720	Do.
Supply Clerk	2005	Do.
Assistant Supply Clerk	2005	Do.
Administrative Travel Clerk	2132	Do.

SAVANNAH RIVER OPERATIONS OFFICE

Position title	Series	Grade
Security Representative	080	GS 12 and below.
Visitor Control Assistant	080	Do.
Security Assistant	080	Do.
Security Couriers	080	Do.
Processing Clerk	080	Do.
Personnel Officer	201	Do.
Personnel Assistant	201	Do.
Personnel Specialist	201	Do.
Administrative Assistant	301	Do.
Reports Clerk	301	Do.
Records and Services Clerk	301	Do.
Technical Services Assistant.	301	Do.
Mail Clerk	305	Do.
Clerk-Stenographer	312	Do.
Secretary	318	Do.
Administrative Secretary	318	Do.
ADP Analyst	334	Do.
Emergency Planning Specialist.	341	Do.
Records and Services Assistant.	341	Do.
Administrative Assistant	341	Do.
Office Services Specialist	342	Do.
Miscellaneous Duplicating Equipment Operator.	350	Do.
SACNET Supervisor	392	Do.
Communications Equipment Operations.	392	Do.
Accounting Clerk	501	Do.
Accountant	510	GS 7 and below.
Voucher Examiner	540	GS 12 and below.
Budget Analyst	560	Do.
Accounting Co-ops	599	GS 7 and below.
Technical Assistant	802	GS 12 and below.
Nuclear Engineer	840	GS 9 and below.
Reactor Materials Engineer	840	Do.
Telecommunications Engineer.	855	Do.
Waste Management Engineer.	893	Do.
Engineering Co-ops	899	Do.
Public Affairs Assistant	1081	GS 12 and below.
Property Management Assistant.	1103	Do.
Contracts Clerk	1106	Do.
Transportation Assistant	2130	Do.

SCHENECTADY NAVAL REACTORS OFFICE

Position title	Series	Grade
Security Screener	0080	GS 12 or below.
Physical Security Assistant	0080	Do.
Visitor Control Clerk	0080	Do.
Industrial Relations Assistant.	201	Do.
Personnel Assistant	201	Do.
Clerk Stenographer	312	Do.
Secretary—Stenography	318	Do.
Clerk Typist	322	Do.
Communications Specialist	393	Do.
Accounting Clerk	510	Do.
Accounting Technician	525	Do.
Plant Operations Engineer	801	Do.
Assistant Project Engineer	830	Do.
Assistant Project Engineer	840	Do.
Assistant Project Engineer	850	Do.

SOUTHEASTERN POWER ADMINISTRATION

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 and below.
Clerk	301	Do.
Mail and File Clerk	305	Do.
Clerk-Stenographer	312	Do.

Position title	Series	Grade
Secretary	318	GS 12 and below.
Clerk-Typist	322	Do.
Office Services Supervisor	342	Do.
Accountant	510	GS 11 and below.
Accounts Maintenance Clerk	520	GS 12 and below.
Electrical Engineering Technician.	802	Do.
Engineering Technician	802	Do.
Hydraulic Engineer	810	Do.
Janitor	3566	Wage grade.

SOUTHWESTERN POWER ADMINISTRATION

Position title	Series	Grade
Personnel Management Specialist.	201	GS 12 and below.
Personnel Clerk	203	Do.
Confidential Assistant	301	Do.
Management Assistant	301	Do.
Clerk (Office Services)	301	Do.
Clerk (Typing)	301	Do.
Billing Assistant	301	Do.
Supervisory System Operator.	301	Do.
System Operator	301	Do.
Clerk-Stenographer	312	Do.
Secretary (Stenography)	318	Do.
Clerk-Typist	322	Do.
ADP Systems Manager	330	Do.
Computer Operator	332	Do.
Peripheral Computer Equipment Operator.	332	Do.
Computer Programmer	334	Do.
Office Services Manager	342	Do.
Office Services Supervisory	342	Do.
Office Machine Operator	350	Do.
Operating Accountant	510	Do.
Accounts Maintenance Clerk (Budget).	520	Do.
Accounting Technician	525	Do.
Budget Analyst	560	Do.
Engineer Technician	802	Do.
Hydraulic Engineer	810	Do.
Engineering Draftsman	818	Do.
Electrical Engineer	850	Do.
Electronics Engineering	855	Do.
Public Information Specialist.	1081	Do.
Statistical Clerk and Assistant.	1531	Do.
Supply Management Representative.	2003	Do.
Supply Technician	2005	Do.

WESTERN AREA POWER ADMINISTRATION, BILLINGS, MONT.

Position title	Series	Grade
Safety Manager	018	GS 12 and below.
Position Classification Specialist.	221	Do.
Realty Clerk	301	Do.
General Clerk Typing	301	Do.
General Clerk Steno	301	Do.
Supervisor Power System Dispatcher.	301	Do.
Supervisor Power Area Dispatcher.	301	Do.
Supervisor Power System Dispatcher.	301	Do.
Supervisor Power Area Dispatcher.	301	Do.
Mail Clerk	305	Do.
Clerk Stenographer	312	Do.
Secretary	318	Do.
Clerk-Typist	322	Do.
Computer Specialist	334	Do.
Administrative Officer	341	Do.
Programs Analyst	345	Do.
Telephone Operator	382	Do.
Finance Technician	501	Do.
Cost Accountant	510	Do.
Accountant	510	Do.
Accounting Technician	525	Do.
Voucher Examiner	540	Do.
Engineering Technician	802	GS 12 and below.
Electrical Engineer Technician.	802	Do.
Civil Engineer Technician	802	Do.
Material Engineer Technician.	802	Do.
Civil Engineer	810	Do.
Supervisor Survey Technician.	817	Do.
Surveying Technician	817	Do.
Engineering Draftsman	818	Do.
Electricial Engineer	850	Do.
Public Utilities Technician	1101	Do.
General Supply Specialist	2001	Do.
Supply Clerk	2005	Do.
Helicopter Pilot	2181	Do.

Hourly Paid Employees: WB 2619, WG 2619, WS 2619, WB 2806, WS 2806, WB 2808, WS 2808, WB 2843, WB 5703, WG 5823, WB 54257, and WS 54257.

WESTERN AREA POWER ADMINISTRATION, BOULDER CITY, COLO.

Title	Series	Grade
Safety Manager	018	GS12 and below.
Public Utilities Clerk	113	Do.
Personnel Officer	201	Do.
Personnel Assistant	203	Do.
Power System Operation Specialist.	301	Do.
Power System Dispatcher	301	Do.
Switching Program Coordinator.	301	Do.
Power Control Schedule Clerk.	301	Do.
General Clerk	301	Do.
Power Control Billing Clerk	301	Do.
File Clerk	305	Do.
Mail File Clerk	305	Do.
Clerk-Steno	312	Do.
Safety Clerk-Stenographer	312	Do.
Clerk-Dictating Machine Translator.	316	Do.
Secretary-Stenographer	318	Do.
Clerk-Typist	322	Do.
Computer Operator	332	Do.
Computer Systems Analyst	334	Do.
Computer Programmer	334	Do.
Administrative Assistant	341	Do.
Offices Services Supervisor	342	Do.
Program Analyst	345	Do.
Data Transcriber	356	Do.
Accounting Assistant	501	Do.
Accountant	510	Do.
Accounting Technician	525	Do.
Budget Officer	560	Do.
Electrical Engineering Technician.	802	Do.
Electrical Engineer	850	Do.
Electronics Engineer	855	Do.
Electronic Technician	856	Do.
Technical Writer	1083	Do.
Procurement Assistant	1102	GS 7 and below.
Purchasing Agent (Typing)	1105	Do.
Statistical Clerk	1130	GS 12 and below.
Cartographic Assistant	1371	Do.
Operations Research Analyst.	1515	Do.
Statistical Assistant	1531	Do.
General Supply Officer	2001	Do.
Property Management Officer.	2001	Do.
Supply Technician	2005	Do.
Supply Clerk	2005	Do.
Helicopter Pilot	2181	Do.

Hourly Paid Employees: WB 2619, WS 2619, WB 2806, WS 2806, WB 2808, WS 2808, WB 2843, WS 2843, WB 3502, YW 3506, WB 4102, WB 4740, WB 4749, WB 5703, WB 5710, WB 5721, WB 5803, WS 5803, WB 5806, WB 6907, WS 6807, WB 8852, WB 54257, and WS 54257.

WESTERN AREA POWER ADMINISTRATION, DENVER, COLO.

Position title	Series	Grade
Clerk Typing	301	GS 12 and below.
Office Assistant Stenographer.	301	Do.
Power System Dispatcher	301	Do.
Senior Power System Dispatcher.	301	Do.
Head, Power System Dispatcher.	301	Do.
File Clerk Microphotography.	305	Do.
Clerk-Stenographer	312	Do.
Clerk Typist	322	Do.
Computer Specialist	334	Do.
Administrative Officer	341	Do.
Accountant	510	Do.
Payroll Clerk	544	Do.
Payroll Technician	544	Do.
General Engineer	801	Do.
Engineer Technician	802	Do.
Materials Engineer Technician.	802	Do.
Civil Engineer Technician	802	Do.
Electrical Engineering Technician.	802	Do.
Electrical Engineering Drafting.	802	Do.
Landscape Architect	807	Do.
Architect	808	Do.
Structural Engineer	810	Do.
Civil Engineer	810	Do.
Supervisor Surveying Technician.	817	Do.
Engineering Draftsman	818	Do.
Electrical Engineer	850	Do.
Electronics Engineer	855	Do.
Electronics Technician	856	Do.
Purchasing Agent	1105	GS 7 and below.
Statistical Assistant	1531	GS 12 and below.
Power Operations Specialist.	1601	Do.
Head and Chief, Transmission Lines and Substation Branch.	1640	Do.
General Supply Supervisor	2001	Do.

Hourly Paid Employees: WB 2806, WS 2806, WB 2808, WS 2808, WB 2843, WB 4443, WB 5349, WB 6907, and WB 54257.

WESTERN AREA POWER ADMINISTRATION, SACRAMENTO, CALIF.

Position title	Series	Grade
Power Contracts Clerk (Stenographer).	301	GS 12 or below.
Power Billing Clerk (Typing).	301	Do.
Clerk Stenographer	312	Do.
Secretary (Stenographer)	318	Do.
Administrative Officer	341	Do.
Administrative Assistant	341	Do.
Accounting Technician	525	Do.
General Engineer	801	Do.
Engineering Technician	802	Do.
Electrical Engineer	850	Do.
Administrative Support	850	Do.
Supply Technician	2005	Do.

Hourly Paid Employees: WB 2805, WB 2806, WB 2843, and WB 5407.

WESTERN AREA POWER ADMINISTRATION, SALT LAKE CITY, UTAH

Position title	Series	Grade
Personnel Officer	201	GS 12 and below.
Personnel Clerk	203	Do.
Clerk	301	Do.
Power System Dispatcher	301	Do.
Mail and File Clerk	305	Do.
Clerk-Stenographer	312	Do.
Secretary (Steno)	318	Do.
Clerk-Typist	322	Do.
Computer Operator	332	Do.

Position title	Series	Grade
Computer Specialist	334	GS 12 and below.
Program Analysis Officer	345	Do.
Office Machine Operator	350	Do.
Fiscal Clerk	501	Do.
Electric Engineering Technician.	802	Do.
Civil Engineering Technician.	802	Do.
Civil Engineer	810	Do.
Engineering Draftsman	818	Do.
Electrical Engineer	850	Do.
Electronic Engineer	855	Do.
Public Utility Technician	1101	Do.
General Supply Specialist	2001	GS 7 and below.
Supply Clerk	2005	GS 12 and below.
Aircraft Pilot	2181	Do.

Hourly Paid Employees: WS 2502, WB 2619, WS 2619, WB 2806, WS 2806, WB 2808, WS 2808, WB 2843, WS 2843, WB 3502, WB 4102, WB 5003, WB 5716, and WB 5803.

OFFICES (HEADQUARTERS AND FIELD) NOT LISTED ELSEWHERE

All positions GS 12 or below in the following occupational series: 018, 080, 081, 085, 099, 201, 203, 212, 221, 243, 302, 304, 305, 312, 313, 316, 318, 332, 330, 322, 334, 335, 344, 350, 351, 356, 357, 382, 393, 394, 520, 525, 540, 544, 590, 599, 610, 644, 647, 690, 802, 818, 856, 899, 1001, 1015, 1060, 1081, 1082, 1083, 1084, 1087, 1106, 1311, 1341, 1370, 1371, 1374, 1410, 1412, 1531, 1654, 1712, 2005, 2151, and 2181.

The following positions in occupational series 301, GS 12 and below are exempted:
Correspondence Information Coordinator,
Correspondence Manangement Specialist,
Correspondence Control Clerk,
Administrative Fiscal Service Assistant (Typing),
Clerk (Typing),
Clerk,
Administrative Assistant,
Clerical Assistant,
Clerk (Stenography),
Work Processing Assistant (Editorial),
Chief, Correspondence Unit,
Staff Technician (Stenography),
Information Clerk,
Advisory Committee Management Officer,
Document Control Clerk,
Correspondence Management Technician,
Staff Assistant (Stenography),
Advisory Committee Program Specialist,
Office Services Assistant,
Clerical Assistant (Typing),
Clerical Assistant (Stenography),
Management Information Assistant,
Information Assistant,
Administrative Clerk,
Administrative Aide (Typing),
Project Assistant,
Program Assistant,
Correspondence Control Clerk (Typing), and
Supervisory Correspondence Management Specialist.

Dated: January 23, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-2358 Filed 1-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 848-6; OPP-42046B]

ALASKA

Submission of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides—Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On June 27, 1977, the Alaska State Plan was approved contingent upon the promulgation of regulations by the Alaska Department of Environmental Conservation (ADEC) necessary for the implementation of the Alaska State Plan. Notice of contingent approval was published in the FEDERAL REGISTER on July 8, 1977 (42 FR 35183). Subsequently, on November 25, 1977, implementing regulations promulgated by the ADEC became effective. Having reviewed these regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA Region X, hereby gives notice that the Alaska State Plan is now a fully approved State Plan.

Dated: January 20, 1978.

DONALD P. DUBOIS,
Regional Administrator, U.S. Environmental Protection Agency, Region X.

[FR Doc. 78-2088 Filed 1-26-78; 8:45 am]

[6560-01]

[FRL 848-4; OPP-180170]

OREGON DEPARTMENT OF ARICULTURE

Issuance of Specific Exemption To Use Nortron To Control Winter Weeds in Perennial Ryegrass Seed Crop

The Environmental Protection Agency (EPA) has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") to use a maximum of 30,000 pounds of Nortron 1.5 EC (ethofumesate) for the control of winter weeds on 10,000 to 20,000 acres of newly-planted perennial ryegrass seed fields in the Willamette Valley of western Oregon. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 H Street SW., Room E315, Washington, D.C. 20460.

In October 1977, the EPA granted a specific exemption to the Applicant for use of a maximum of 60,000 pounds of active ingredient ethofumesate (Nortron 1.5 EC) to control annual bluegrass, rattail fescue, velvetgrass, and various other weed pests on 40,000 acres of annual ryegrass seed fields in the Willamette Valley. This use was permitted since there are currently no pesticides registered for control of these weed pests in annual ryegrass.

The Applicant subsequently requested a specific exemption for control of winter weeds in newly-seeded perennial ryegrass seed fields. According to the Applicant, winter weeds are serious problems in establishing newly-seeded plantings of perennial ryegrass in western Oregon. The weeds compete strongly with germinating and newly-emerged seedlings. The potential economic loss to the grower due to infestations of these weeds during the first year could be as high as $100 per acre, the Applicant estimated. The currently unfavorable market for annual ryegrass combined with the favorable market for perennial ryegrass has resulted in many growers planting perennial ryegrass, the Applicant stated. The increase in new seedlings is estimated at 10,000 to 20,000 acres.

The Applicant stated that the presently acceptable method for establishment of a new stand of perennial ryegrass is to drill the seed into rows and apply a band of activated charcoal directly over the seed row. An overall treatment of diuron is then applied to the field. The activated charcoal allows the ryegrass to germinate through the diuron treatment; however, the charcoal band, which covers about twenty percent of the field, also allows weed seeds within the band to germinate through the chemical treatment. Diuron should not be applied after crops or weeds emerge. The following pesticides have also been registered by EPA for control of one or more of the aforementioned weed pests: IPC (propham), atrozine, benefin (Balan), and bensulide (Betasan). IPC and atrazine are registered for application to established perennial ryegrass stands; they should not be applied to newly-planted fields. Benefin and bensulide, which are registered for weed control in established lawns, inhibit germination or adversely affect the seedling.

The Applicant therefore requested that a single application of Nortron

1.5 EC be made at a rate of 1.5 pounds of active ingredient per acre on a maximum of 20,000 acres of perennial ryegrass seed fields in the Willamette Valley for control of Rattail Fescue (*Festuca myuros*), Annual Bluegrass (*Poa annua*), and Common Velvetgrass (*Holcus lanatus*). Applications will be made by licensed commercial applicators using ground and air equipment. Some growers may elect to apply ethofumesate (Nortron) with ground equipment on their own property. Application rates and procedures will be recommended by qualified Oregon State University extension agents. The Applicant further stated that this use will not result in any increase in acreage to be treated with ethofumesate above the 40,000 acres authorized in the previous exemption; therefore, no additional hazard to man or the environment beyond that which was evaluated and determined to be acceptable in the October specific exemption is expected. Nortron will be restricted for application to ryegrass grown for seed crop.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak has or is about to occur; (b) there is no pesticide presently registered and available for use to control these winter weeds in Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the weeds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until January 31, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Nortron may be used at a rate of one and one-half pounds of active ingredient per acre in the Willamette Valley;

2. A single application may be made as a pre-emergent or early post-emergent treatment;

3. Nortron may be applied with both ground and air equipment;

4. A maximum of 30,000 pounds of active ingredient may be applied;

5. All applications will be made by State-licensed commercial applicators or by growers on their own property;

6. Crops other than perennial ryegrass will not be planted in treated fields within 12 months of application of Nortron. All ryegrass crops which are planted in treated fields within 12 months of application of Nortron will be grown for seed only and are subject to the same restrictions as treated grass;

7. Treated grass will not be grazed or cut for use as food and feed;

8. Grass seed and grass screenings will not be used as food and feed;

9. Ryegrass stubble and grass waste will be throughly tilled under after harvest;

10. Precautions will be taken to avoid spray drift to non-target areas;

11. All applicable directions, precautions, and restrictions on the Nortron label must be observed;

12. Prior to application of Nortron, the grower will be required to sign an agreement which states that he or she understands the provisions of the exemption and will observe all directions, restrictions, and precautions;

13. The Applicant is responsible for ensuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 1978;

14. The EPA shall be immediately informed of any adverse effects resulting from the use of Nortron in connection with this exemption; and

15. The total quantity of Nortron applied under authority of this specific exemption and the one issued in October, 1977, for treatment of annual ryegrass shall not exceed 60,000 pounds active ingredient.

Section 18 of the Federal insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: January 19, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-2289 Filed 1-26-78; 8:45 am]

[6560-01]

[FRL 848-8]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the environmental Protection Agency from January 16 through January 20, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (March 13, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 24, 1978.

PETER L. COOK,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Gospel Hump, Nezperce & Payette National Forest, Wilderness, Idaho County, Idaho, January 18: Proposed is the recommendation for a wilderness study area of 236,830 acres of national forest land in the Nezperce and Payette National Forests in northern Idaho, and a land management plan for 212,444 acres of national forest land in the Nezperce National Forest. Principal environmental impacts resulting from the recommendations in this EIS are associated with timber harvest and culture, treatment of big game winter ranges, off-road vehicle use and general wilderness use. (ELD Order No. 80047.)

Union Creek channel improvement, Neshoba and Newton Counties, Miss., January 18: Proposed are flood control measures in the city of Union, Mississippi, to reduce flooding of streets, yards, and grounds from various storm sizes up to and including the 100 year event. Proposed plan implementation call for increasing the flow capacity of 1.73 miles of previously altered intermittent streams and construction of about 1,400 ft. levee. Adverse impacts involve the displacement of existing wildlife from 18 acres of mixed sapling and shrubby-type vegetation to be cleared during channel construction and repopulation with other species once vegetation is reestablished. (ELR Order No. 80048.)

Mt. Rogers, National Recreation Area and Scenic Highway, several counties, Virginia, January 20: Proposed is a long range development plan and unit plan for the Mount Rogers natural recreation area located in Carroll, Grayson, Smyth, Washington and Wythe Counties, Va. Volume II of the DEIS proposed the construction of approximately 67 miles of two-lane scenic highway, East-West between U.S. 58 and I-77. Dredge and fill permits will be required for major stream crossings if this action is implemented. (USDA-FS-RADES ADM. (780-2)/FHWA-VA-EIS-77-03-D. (ELR Order No. 80067.)

Final

Union Pass Planning Unit, Bridger-Teton National Forest, Sublette, Teton, and Fremont Counties, Wyo. January 19: Proposed is a comprehensive land use plan for the Union Pass Planning Unit, Bridger-Teton National Forest, Wyo. The unit contains approximately 180,000 acres of national forest, and about 1,800 acres of non-national forest land. Plan implementation activities involve wood production, water, livestock forage, wildlife, fisheries, mineral, oil and gas exploration, and recreation activities. Adverse impacts include short-term impacts on water

quality arising from road-construction, displacement of wildlife, and some soil erosion. Comments made by: USDA, HUD, DOI, EPA, and AHP. (ELR Order No. 80055.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Locks and Dam No. 1, rehabilitation, Minnesota, January 17: Proposed is the rehabilitation of locks and dam No. 1 in the St. Paul-Minneapolis reach of the Mississippi River at Mile 847.6 above the mouth of the Ohio River. Plan implementation calls for the closing and dewatering of the two locks from December 1 to May 1; rehabilitation should not affect the normal navigation season. Adverse impacts include increased water turbidity due to placement and removal of cofferdams; increased loads upon the Minneapolis sewer system; excavation of .4 acre of an island; adverse effects upon wildlife; and construction-related pollution. (St. Paul District.) (ELR Order No. 80043.)

Forest Grove Dam and Reservoir, Caney Creek, Henderson County, Tex., January 17: Proposed is the granting of a permit for the construction of a dam by the Texas Utilities Services Inc. on Caney Creek, Henderson County, Tex. Plan implementation calls for the construction of the Forest Grove Dam, circulating water intake canals and discharge structures, a pump station and pipeline and reservoir relocations. The reservoir will cover 4 to 5 miles of existing Caney Creek and will have a surfact area of approximately 1,500 acres. Adverse impacts include the inundation of 1,500 acres of land and the associated displacement of wildlife; the loss of 5.2 miles of flowing stream and its ecosystem; and construction-related impacts. (Fort Worth District.) (ELR Order No. 80044.)

Final

Lakes Greeson, Ouachita, and Degray, operation and maintenance, several counties, Arkansas, January 19: proposed is the continuance of operation and maintenance activities at Lake Greeson, Lake Ouachita, and Degray Lake, Ark. The Lake Greeson and Lake Ouachita projects were authorized for the purposes of flood control and hydroelectric power generation. The Degray Lake project was authorized for flood control, hydroelectric power generation, water supply, navigation, and recreation. Adverse effects resulting from continued operation and maintenance include cold water release from hydroelectric power generation at Lake Greeson and Lake Ouachita, which has disrupted the once warmwater fishery downstream of each lake. (Vicksburg District.) Comments made by: EPA, USDA, DOI, DOT, and FPC. (ELR order No. 80056.)

Tillamook South Jetty Extension, Tillamook County, Oregon, January 19: Proposed is the extension of the south jetty at the entrance of Tillamook Bay an additional 1,500 feet to a point nearly opposite the north jetty. Channel width would be maintained at 1,200 feet. The jetty would be constructed to an elevation of 18 feet above mean lower low water with a crest width of 30 feet. Adverse effects include reduced tidal interchange which would alter the flushing rate and could result in reduction of the bay's productivity. Approximately 6.75 acres of bottom habitat would be covered by the proposed extension. (Portland District.) Comments made by: EPA, USDA, DOC, DOI, ERDA, State and local agencies. (ELR Order No. 80060.)

Obion Creek Project, Kentucky, several counties, Kentucky, January 20: Proposed is a flood control project for Graves, Hickman, Carlisle, and Fulton Counties, Ky., which provides for about 34 miles of channel enlargement, about 8 miles of new channel construction and 3 miles of channel improvement of Hurricane Creek. The dredged material will be placed on a closed spoil bank along 8 miles of the new channel work. Adverse impacts include disruption of the benthic habitat, temporary increases in stream turbidity, noise, solid wastes, air pollution, and reduction in wildlife availability and fishery values. (Memphis District.) Comments made by: HUD, HEW, DOT, USDA, EPA, and DOI. (ELR order No. 80061.)

Supplement

Missouri River Levee System (S-1), Nebraska, January 18: This statement supplements a FEIS originally filed with CEQ in May of 1976. Since completion of the FEIS, it had been determined that a portion of the work to be done falls under the purview of section 404 of the Federal Water Pollution Control Act Amendments of 1972. A section 404 permit is required because permanent fill will be placed in wetlands in conjunction with the construction of 23,660 linear feet of Levee and underseepage facilities along the right bank of the Missouri River at Bellevue, Nebr. Adverse impacts involve the elimination of approximately ⅛ acre of aquatic habitat in the Papillion Creek. (Omaha District.) (ELR order No. 80049.)

West Tennessee Tributaries Project (S-1), Tennessee, January 18: This statement supplements a FEIS originally filed with CEQ in July of 1975. This supplement addresses the written comments received by the corps concerning the West Tennessee Tributaries Project. (ELR order No. 80050.)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Col. Luis F. Dominguez, Department of the Air Force, Room 5D431, Pentagon, Washington, D.C. 20330, 202-697-7799.

Final

MX: Buried Trench Construction and Test, Yuma County, Ariz., January 20: Proposed is the construction of two sections of underground tunnel in the San Cristobal Valley on the Luke Air Force range in Yuma County, Ariz. The proposed construction project will provide essential cost and construction data to analyze conceptual protective structures for the mobile, land-based intercontinental ballistic missile (ICBM) system known as MX. The trench will also serve as a test bed for mechanisms designed to punch through the tunnel roof and erect a dummy missile to simulate launch position. Long-term aesthetic degradation will result. Comments made by: USDA, DOD, DOI, DOT, EPA, and individuals. (ELR order No. 80065.)

DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, 202-697-3689.

Supplement

Kahoolawe Island Target Complex, Hawaii, January 16: This statement supplements a FEIS originally filed with CEQ in March, 1972. This supplement provides a more complete table of contents and updates the information contained in the final statement. Three new targets have been added to the target complex and overall use of the island for ground operations of the U.S. Marine Corps has increased. Adverse impacts include erosion; and the possible extinction of five species of rare plants. (ELR order No. 80039.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Concept 80 West Development, Lakewood, Jefferson County, Colo., January 18: Proposed is the granting of HUD/FHA mortgage insurance for the Concept 80 West, Lake Borough Village, housing development in Lakewood, Colo. Plan implementation calls for the construction of 168 single family houses and 662 multifamily units. Adverse impacts include increased water usage, soil erosion, increased demand on social services, and construction-related pollution. (ELR Order No. 80051.)

Westland Creek Village Subdivision, Harris County, Tex., January 19: Proposed is the granting of HUD-FHA mortgage insurance for the development of the 628-acre Westland Creek Village Subdivision located in Harris County, Tex. The development will contain approximately 2,000 single family homes and 400 multifamily homes and shopping areas. Adverse impacts include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence upon the automobile. (ELR Order No. 80059.)

Final

Piney Ridge Village, Carroll County, Md., January 20: This statement contains a proposal for mortgage insurance for the Piney Ridge Village in Carroll County, Md. The site of the proposed Piney Ridge Village planned unit development is 450 acres comprising most of the southwestern quadrant of the major intersection of State Route 26 and Route 32. Development will include construction of 1,695 dwelling units, and community centers. Land has been reserved for development of public open space and school areas. Adverse effects include increases in air pollution and community noise levels, and increased storm water runoff. Comments made by: EPA, DOI, and USDA.

Kendall Square Urban Renewal, Cambridge County, Mass., January 19: Proposed is the completion of an ongoing urban renewal project approved in 1965 and centered around NASA in the eastern part of the city of Cambridge, Mass. The planned uses of the Kendall Square urban renewal project are light industry, technical and general office space, retail stores, a fire station, possible hotel and residential, and a parking garage. Negative effects include complete relocation of six businesses, and construction-related impacts. Comments made by: COE, DOI, NRC, USDA, GSA, EPA, ERDA, and DOT. (ELR Order No. 80057.)

SECTION 104(h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. Copies are not available from HUD.

Final

Boykin, Ala.—Water System and Road Improvements, Wilcox County, Ala., January 18: Proposed is the construction of a water system and road paving project in the Boykin Community, Wilcox County, Ala. The water project will consist of 10.5 miles of water mains. Six-inch pipe will be used for all mains with the exception of the short dead end lines that do not indicate future expansion; a 125,000 gallon elevated storage tank will be located at the north end of the system. The road improvement project consists of upgrading 2.84 miles of the present gravel surfaced roadways that run through the Boykin Community. Construction activities will cause short-term disruption. Comments made by: HEW, EPA, DOI, and COE. (ELR Order No. 80052.)

Kitsap County, Wash.—Wastewater Facilities, Kitsap County, Wash., January 16: Proposed is the extension of existing sewerage facilities in the unincorporated community of Manchester, Wash., to serve the planned 148-unit Megan Heights Subdivision and surrounding land area. The proposed sewer extension potential service area is bounded by Chester Street on the north, State Route 160 on the south, Puget Drive on the east, and Nebraska Street on the west. The Kitsap County Department of Development proposes to extend the present Manchester sewer district sewer interceptor from Hemlock Street to California Avenue. Adverse effects include the removal of trees and other vegetation. Comments made by DOT. (ELR Order No. 80040.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Room 3373, 12th and Constitution Avenue NW., Washington, D.C. 20423, 202-275-7692.

Draft

Railroad Abandonment, Bonita Junction-Seagoville, several counties in Texas, January 19: The Southern Pacific Transportation Co. proposes to abandon 144.14 miles of branch line railroad between Bonita Junction and Seagoville, Tex. Adverse impacts include alterations in highway traffic volumes; highway deterioration, fuel consumption; and increased air and noise pollution. (Docket No. AB12, Sub.-No. 53.) (ELR Order No. 80058.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Final

ANG Coal Gasification Co., Mercer County, N. Dak., January 20: The Bureau of Reclamation proposes to make available to ANG Coal Gasification Co. 17,000 acre-feet of water annually for coal gasification needs from Garrison Reservoir through a 40-year water service contract. The gasification complex, to be located in southwestern North Dakota, would produce 250 million cubic feet per day of synthetic natural gas for use in the Michigan and Wisconsin market areas. Major adverse impacts include use of 600 acres of land, disturbance of 12,500 acres of land, and emissions of 14,665 lbs. of sulfur dioxide, 6,143 lbs. of nitrogen oxides, and 693 lbs. of particulates each hour. FES 78-1. Comments made by: DOT, USDA, DOD, HEW, HUD, EPA FPC, FEA, ERDA, and STAT. (ELR Order No. 80062.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Final

Radioactive Materials Transportation, January 16: This statement has been prepared in connection with the NRC re-evaluation of its present regulations governing air transportation of radioactive materials, to provide sufficient analysis to determine the effectiveness of the present rules and of possible alternatives to those rules. The statement discusses the environmental impact of radioactive material in all modes of transportation under the regulations in effect as of June 30, 1975. It then examines principal alternative modes to be considered. Comments made by: TVA, HEW, EPA, DOI, FEA, ERDA, and DOT. (ELR Order No. 80041.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Lansing Municipal Airport, Improvements, Cook and Lake Counties, Ill., January 17: Proposed is an airport development program for the Lansing Municipal Airport in Lansing, Ill. Plan implementation calls for the acquisition of 434.4 acres in fee simple and 14.5 acres in aviation easements; reconstruction and extension of runway 9-27 from 75 x 2432 to 75 x 3800 feet; construction of 35,000 sq. yds. of aircraft apron, a north parallel taxiway to runway 9-27, a visual slope indicator, one corporate hangar, 4 20-unit T-hangers and a 10,000 sq. yd. parking lot; and the installation of lighting systems. (ELR Order No. 80045.)

Final

North Bend Municipal Airport Development, Coos County, Oreg., January 16: The proposed action involves the development of the North Bend Municipal Airport, North Bend, Oregon. Development items include: a runway extension of 1,987 feet on the runway 4 end, a 200-foot runway safety area and an approach lighting system beyond the extended runway 4 end, a fill of approximately 45.7 acres of the mudflat southwest of the existing runway 4 end for the runway extension and runway safety area, and a runway extension of 700 feet on the runway 31 end. Adverse effects are loss of Benthic flora and fauna, reduced area for recreation, and reduced productivity of the estuary as a whole. Comments made by: EPA, USDA, DOC, COE, HEW, HUD, DOI, DOT, and ERDA. (ELR Order No. 80042.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

MI-29, Reconstruction, Algonac, St. Clair County, Mich., January 20: Proposed is the reconstruction of 1.5 miles of MI-29 from the west city limits to Channelsyde Drive, City of Algonac, St. Clair County, Mich. Several alternatives have been included. Adverse impacts include displacement of families, residential dwellings, and other structures; alteration of surface drainage patterns; removal of ornamental and natural vegetation; and construction-related impacts. (FHWA-MICH-EIS-77-04-D) (ELR Order No. 80064.)

Final

Louisiana North-South Expressway, several counties, Louisiana, January 19: This statement is an in-depth study which proposes the development and recommendation of route locations and design features for approximately 300 miles of expressway in central and northern Louisiana. To facilitate analysis, the study area was intitially divided into three legs. The first leg extended from Opelousas to Alexandria; the second from Alexandria to Shreveport; and the third from Alexandria to Monroe. Detailed studies have been made of the study corridor areas and the potential physical, social, economic, and environmental impacts of alternative alignments and design concepts. (Region 6) (5 Vols.) Comments made by: COE, DOT, DOC, UDSA, DOI, EPA, FPC, AND GSA. (ELR Order No. 80054.)

Nebraska 370, Bellevue, Sarpy County, Nebr., January 17: Proposed is the improvement of two segments of approximately 1.25 miles of Nebraska 370 within the city of Bellevue from two to four lanes. The additional right-of-way for construction will require acquisition of two residences, two businesses, and the relocation of three mobile homes. Since a motel, one church, 73 homes and a number of businesses exceed the design noise levels, a full detailed study of all noise abatement measures will be made. Comments made by: FAA, USDA, COE, DOD, EPA, and DOI. (ELR Order No. 80046.)

9.5 mile N.H. Route 101 relocation, Rockingham County, N.H., January 18: Proposed is the relocation of 9.5 miles of New Hampshire Route 101 from, roughly, Interstate Route 93 in Manchester to Interstate Route 95 in Hampton. Project termini are N.H. Route 101 approximately 2 miles west of Candia Center and N.H. Route 101 approximately 1.5 miles east of the town of Raymond. The road will be an ultimate 4-lane facility, passing through rural wooded land. Adverse effects include acquisition of 260 acres of land and the relocation of two homes, one mobile home, one cabin, and two storage trailers. (Region 1) Comments made by: EPA, HUD, DOI, HEW, and USDA. (ELR Order No. 80053.)

S.T.H. 83, Waukesha County, Waukesha County, Wis., January 20: Proposed is the improvement of S.T.H. 83 located in the southeastern part of Wisconsin in the town and village of Mukwonago. The termini of this 2.5 mile project area at the south is the new S.T.H. 83-S.T.H. 15 interchange and at the north, it is the existing S.T.H. 83. Project alternatives are to remain on the existing alignment, "do nothing," and relocate a new roadway. Adverse effects will vary depending upon the alternative chosen. Comments made by: HUD, DOI, EPA, DNR, UDSA, HEW, DOD, DOT, State and local

agencies and groups and individuals. (ELR Order No. 80063.)

[FR Doc. 78-2402 Filed 1-26-78; 8:45 am]

[6560-01]

[FRL 848-5; OPP-42033B]

STATE OF NEW YORK

State Plan for Certification of Pesticide Applicators; Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136b), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On June 29, 1976, the Honorable Hugh L. Carey, Governor of the State of New York, submitted a State Plan for Certification of Pesticide Applicators to EPA.

A summary of the New York State Plan was published in the FEDERAL REGISTER on October 28, 1967 (41 FR 47283). On January 10, 1977, the plan was approved contingent upon enactment of an approvable amendment to delete or clarify the exemption from Title 13 of Article 33 of the New York Environmental Conservation Law (ECL) granted to public employees in section 33-0103(1)(b) of the ECL, and pending EPA approval of implementing regulations to be promulgated by the Department of Environmental Conservation (DEC). Notice of contingent approval was published in the FEDERAL REGISTER on January 27, 1977 (42 FR 5122).

By letter dated October 5, 1977, from the Acting First Deputy Commissioner, the DEC submitted its determination that the exemption granted to public officials engaged in the performance of their official duties from certain provisions in Article 33 of the ECL, including Title 13—Unlawful Acts, does not apply to the unlawful act of applying restricted use pesticides without certification under Title 9—Permits and Certifications. Therefore, while the subject amendment would serve a clarifying function, it is not essential in light of this interpretation by the DEC.

On December 23, 1976, the DEC promulgated rules and regulations relating to the application of pesticides, Part 325 of Title 6 of the Codes, Rules and Regulations of the State of New York, which became effective on December 27, 1976 and were submitted to EPA for review. Having completed this review, the Regional Administrator, EPA Region II, hereby gives notice that the terms and conditions of contingent approval have been satisfied and that the New York State Plan is now a fully approved plan.

Dated: January 13, 1978.

ECKARDT C. BECK,
Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc. 78-2288 Filed 1-26-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENT FILED

Notice is hereby given that the following agreement has 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 the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La.; San Francisco, Calif.; and Old San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 6, 1978. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

AGREEMENT No. T-2631-2.

FILING PARTY: Edward S. Bagley, Esquire, Terriberry, Carroll, Yancey & Farrell, 2100 International Trade Mart, New Orleans, La. 70130.

SUMMARY: Agreement No. T-2613-2 restates and modifies the basic agreement (as heretofore amended) between the members of the New Orleans Steamship Association (NOSA) setting forth the method of funding and implementing the guaranteed annual income plan negotiated with the New Orleans locals of the International Longshoremen's Association, AFL-CIO (ILA). Among other things, Agreement No. T-2631-2: (a) Provides that the contributions formerly paid by NOSA members to an escrow account will now be paid directly to the Administrator of NOSA/ILA pension, welfare, vacation, and holiday funds; (b) makes certain technical changes to conform the agreement to the provisions of the labor contracts providing for the NOSA/ILA guaranteed annual income plan; and (c) provides for the accumulation of additional funds to meet NOSA's anticipated liability under the NOSA/ILA guaranteed annual income plan. Agreement No. T-2631-2 does not, however, revise the contributions by NOSA's members under the basic agreement, as previously amended.

By order of the Federal Maritime Commission.

Dated: January 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-2359 Filed 1-26-78; 8:45 am]

[6730-01]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Faro International (Rolando Cedron, d.b.a.), 128 Ridgefield Road, Philadelphia, Pa. 19154.

Dolores Vazquez Melendez, Rafael Mercado 613, Urb. Delicias, Rio Piedras, P.R. 00925.

World Jet Shipping Co. (Fred R. Barcell, d.b.a.), 7609 4th Avenue, Brooklyn, N.Y. 11209.

Eduardo Ubaldo Lopez, 1606 SW. 101 Avenue, Miami, Fla. 33165.

Pacific Freight Forwarders (Humberto Power, d.b.a.), 7223 NW. 43rd Street, Miami, Fla. 33166.

State International, Inc., 405 Lexington Avenue, New York, N.Y. 10017; Officers: Heinrich A. Joost, president; Hans-Jurgen Hottenrott, executive vice president; Clarissa Venth, treasurer; Kenneth L. Everett, secretary.

Ocean-Air Freight and Trade, Inc., 5 World Trade Center, Suite 6247, New York, N.Y. 10048; Officers: Hassan Ansari, president; Lidia Ansari, treasurer.

Dafron Freight, Inc., 413 North Oak Street, Inglewood, Calif. 90301; Officers: Arthur B. Davidson, Jr., president/secretary/director; Ronald Barker, vice president/director.

Manuel Medina, 3741 NW. 66th Avenue, Virginia Gardens, Fla. 33166.

Philip A. Herzog, 130 Oliver Road, Waban, Mass. 02168.

Boston Overseas, Inc., 88 Broad Street, Boston, Mass. 02110; Officers: Timothy C. O'Shea, president; Kevin F. O'Donnell, vice president; Paul L. Kenny, clerk.

Fast Air Sea Transport, Inc., 15 Mount Vernon Street, Ridgefield Park, N.J. 07660; Officers: J. W. Clauss, president; Doris M. Clauss, secretary; Kenneth Schmolze, vice president/treasurer; Emilio Lopez, assistant secretary.

By the Federal Maritime Commission.

Dated: January 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-2361 Filed 1-26-78; 8:45 am]

[6730-01]

[Docket No. 75-57]

MATSON NAVIGATION CO.—PROPOSED RATE INCREASES IN THE UNITED STATES PACIFIC COAST/HAWAII DOMESTIC TRADE

Adoption of Environmental Negative Declaration

By publication in the FEDERAL REGISTER on October 25, 1977, notice was given that the Federal Maritime Commission's Office of Environmental Analysis ("OEA") had determined that environmental issues relative to the above referenced proceeding did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. §4321 et seq. and that the preparation of a detailed environmental impact statement was not required under section 4332(2)(c) of NEPA.

Ten days were permitted for filing exceptions to the Negative Declaration. No exceptions have been filed.

Notice is hereby given that the Federal Maritime Commission has this date adopted the Environmental Negative Declaration.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-2362 Filed 1-26-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1245]

MONUMENTAL SECURITY STORAGE CO.

Order of Revocation

The bond issued in favor of Monumental Security Storage Co., 3006 Druid Park Drive, Baltimore, Md. 21215, FMC No. 1245, was cancelled effective January 11, 1978.

By letter dated December 14, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1245 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 11, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised) Section 5.01(d) dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 1245 issued to Monumental Security Storage Co. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1245 be and is hereby revoked effective January 11, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Monumental Security Storage Co.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-2360 Filed 1-26-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-455]

DEPARTMENT OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Department of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in a natural gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Energy Regulatory Commission involving the application of the El Paso Natural Gas Co., for an increase in its natural gas rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 16, 1978.

[FR Doc. 78-2311 Filed 1-26-78; 8:45 am]

[6820-22]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

JANUARY 19, 1978.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, on February 16 and 17, 1978, from 9 a.m. to 4 p.m., in Room 2636 of the GSA Regional Office Building, Seventh and D Streets SW., Washington, D.C. The meeting will be devoted to the initial stage of the process for screening and evaluating prospective architect-engineer firms to furnish professional services required in connection with two building renovation projects and one new construction project, as follows: (1) Appraisers Stores, Baltimore, Md. (GS-03B-88092/89019); (2) Federal Building No. 3, Suitland, Md. (GS-03B-88097/89022); and (3) FBI Academy, Quantico, Va. (GS-03B-88148/89029). The meeting will be open to the public.

JOHN F. GALUARDI,
Regional Administrator.

[FR Doc. 78-2351 Filed 1-26-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the pro-

cedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Long Term Protocol Subgroup of the Psychopharmacological Agents Advisory Committee.	Feb. 27, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; (HFD-120), Julius J. Cinque, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Development of long term (Phase IV) protocols.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18) 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: January 19, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2194 Filed 1-26-78; 8:45 am]

[4110-03]

CONTRACEPTIVES AND OTHER VAGINAL DRUG PRODUCTS PANEL

Meeting Place Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Contraceptives and Other Vaginal Drug Products Panel meeting scheduled for February 3 and 4, 1978, in Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md., on February 3, and at the Holiday Inn, Chevy Chase, Md., on February 4, has been changed to meet at the Holiday Inn, Bethesda, Md., on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Armond Welch, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of January 13, 1978 (43 FR 1999), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Contraceptives and Other Vaginal Drug Products Panel scheduled for February 3 and 4, 1978, will meet in Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, on February 3, and at the Holiday Inn, Bethesda, Md. 20014, on February 4. The open public hearing will begin at 9 a.m. on February 3.

Dated: January 19, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2195 Filed 1-26-78; 8:45 am]

[4110-03]

[Docket No. 76N-0292; DESI 6811]

ISONIAZID

Drugs for Human Use; Drug Efficacy Study Implementation; Labeling Revision

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice sets forth revised labeling for products containing isoniazid both as a single ingredient and as a component of a combination. The labeling includes a boxed warning statement that highlights the association between hepatitis and isoniazid therapy.

DATE: Supplements to approved NDA's due on or before March 28, 1978.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 6811, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Room 12B-45, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of

Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: A notice was published in the FEDERAL REGISTER of October 12, 1976 (41 FR 44724) (DESI 6811) concerning certain single-entity and combination products containing isoniazid. The notice stated the effective indications but did not set forth full labeling. A previous notice published in the FEDERAL REGISTER of October 7, 1971 (36 FR 19520) had set forth full labeling for isoniazid based upon information available at that time. As discussed below, it is now appropriate to revise the full labeling on the basis of more recent information concerning isoniazid.

Although the association believes isoniazid and a risk of hepatitis has been known for years, and the current labeling includes warning statements on this risk, a review of recent information reveals an increasing risk in relation to increasing age. In addition there is an increased risk in alcohol abusers. The Director of the Bureau of Drugs is now requiring a Box Warning on the risk of hepatitis and the action to be taken to monitor this risk and to avoid aggravating hepatitis if it occurs.

In addition, because of the risk, it is appropriate to prioritize use of isoniazid for prophylactic purposes in various categories of patients and the new Indications section provides such priorities.

Other changes are also required in the labeling for isoniazid products. Accordingly, full labeling for single-entity isoniazid products is now revised to read as follows:

ISONIAZID

WARNING

Severe and sometimes fatal hepatitis associated with isoniazid therapy may occur and may develop even after many months of treatment. The risk of developing hepatitis is age related. Approximate case rates by age are: 0 per 1,000 for persons under 20 years of age, 3 per 1,000 for persons in the 20-34 year age group, 12 per 1,000 for persons in the 35-49 year age group, 23 per 1,000 for persons in the 50-64 year age group, and 8 per 1,000 for persons over 65 years of age. The risk of hepatitis is increased with daily consumption of alcohol. Precise data to provide a fatality rate for isoniazid-related hepatitis is not available; however, in a U.S. Public Health Service Surveillance Study of 13,838 persons taking isoniazid, there were 8 deaths among 174 cases of hepatitis.

Therefore, patients given isoniazid should be carefully monitored and interviewed at monthly intervals. Serum transaminase concentration becomes elevated in about 10-20 percent of patients, usually during the first few months of therapy but it can occur at any time. Usually enzyme levels return to normal despite continuance of drug but in some cases progressive liver dysfunction occurs. Patients should be instructed to report immediately any of the prodromal symptoms of hepatitis, such as fatigue, weakness, malaise, anorexia, nausea, or vomiting. If these symptoms appear or if signs suggestive of hepatic damage are detected, isoniazid should be discontinued promptly, since continued use of the drug in these cases has been reported to cause a more severe form of liver damage.

Patients with tuberculosis should be given appropriate treatment with alternative drugs. If isoniazid must be reinstituted, it should be reinstituted only after symptoms and laboratory abnormalities have cleared. The drug should be restarted in very small and gradually increasing doses and should be withdrawn immediately if there is any indication of recurrent liver involvement.

Preventive treatment should be deferred in persons with acute hepatic diseases.

DESCRIPTION

Isoniazid is the hydrazide of isonicotinic acid. (Other descriptive information to be included by manufacturer or distributor should be confined to an appropriate description of the chemical and physical properties of the drug and the formulation.)

ACTIONS

Isoniazid acts against actively growing tubercle bacilli.

Within 1 to 2 hours after oral administration, isoniazid produces peak blood levels which decline to 50 percent or less within 6 hours. It diffuses readily into all body fluids (cerebrospinal, pleural, and ascitic fluids), tissues, organs, and excreta (saliva, sputum, and feces). The drug also passes through the placental barrier and into milk in concentrations comparable to those in the plasma. From 50 to 70 percent of a dose of isoniazid is excreted in the urine in 24 hours.

Isoniazid is metabolized primarily by acetylation and dehydrazination. The rate of acetylation is genetically determined. Approximately 50 percent of Blacks and Caucasians are "slow inactivators" and the rest are "rapid inactivators"; the majority of Eskimos and Orientals are "rapid inactivators."

The rate of acetylation does not significantly alter the effectiveness of isoniazid. However, slow acetylation may lead to higher blood levels of the drug, and thus an increase in toxic reactions.

Pyridoxine (B_6) deficiency is sometimes observed in adults with high doses of isoniazid and is considered probably due to its competition with pyridoxal phosphate for the enzyme apotryptophanase.

INDICATIONS

For all forms of tuberculosis in which organisms are susceptible.

For preventive therapy for the following groups, in order of priority:

1. Household members and other close associates of persons with recently diagnosed tuberculous disease.

2. Positive tuberculin skin test reactors with findings on the chest roentgenogram consistent with nonprogressive tuberculous disease, in whom there are neither positive bacteriologic findings nor a history of adequate chemotherapy.

3. Newly infected persons.

4. Positive tuberculin skin test reactors in the following special clinical situations: prolonged therapy with adrenocorticosteroids; immunosuppressive therapy; some hematologic and reticuloendothelial diseases, such as leukemia or Hodgkin's disease; diabetes mellitus; silicosis; after gastrectomy.

5. Other positive tuberculin reactors under 35 years of age.

The risk of hepatitis must be weighed against the risk of tuberculosis in positive tuberculin reactors over the age of 35. However, the use of isoniazid is recommended for those with the additional risk factors listed above (1-4) and on an individual basis in situations where there is likelihood of serious consequences to contacts who may become infected.

CONTRAINDICATIONS

Previous isoniazid-associated hepatic injury; severe adverse reactions to isoniazid, such as drug fever, chills, and arthritis; acute liver disease of any etiology.

WARNINGS

See the boxed warning.

PRECAUTIONS

Use of isoniazid should be carefully monitored in the following:

1. Patients who are receiving phenytoin concurrently. Isoniazid may decrease the excretion of phenytoin or may enhance its effects. To avoid phenytoin intoxication, appropriate adjustment of the anticonvulsant should be made.

2. Daily users of alcohol. Daily ingestion of alcohol may be associated with a higher incidence of isoniazid hepatitis.

3. Patients with current chronic liver disease or severe renal dysfunction.

Periodic ophthalmologic examinations during isoniazid therapy are recommended when visual symptoms occur.

USAGE IN PREGNANCY AND LACTATION

It has been reported that in both rats and rabbits, isoniazid may exert an embryocidal effect when administered orally during pregnancy, although no isoniazid-related congenital anomalies have been found in reproduction studies in mammalian species (mice, rats, and rabbits). Isoniazid should be prescribed during pregnancy only when therapeutically necessary. The benefit of preventive therapy

should be weighed against a possible risk to the fetus. Preventive treatment generally should be started after delivery because of the increased risk of tuberculosis for new mothers.

Since isoniazid is known to cross the placental barrier and to pass into maternal breast milk, neonates and breast-fed infants of isoniazid treated mothers should be carefully observed for any evidence of adverse effects.

Carcinogenesis

Isoniazid has been reported to induce pulmonary tumors in a number of strains of mice.

Adverse Reactions

The most frequent reactions are those affecting the nervous system and the liver.

Nervous system reactions. Peripheral neuropathy is the most common toxic effect. It is dose-related, occurs most often in the malnourished and in those predisposed to neuritis (e.g., alcoholics and diabetics), and is usually preceded by paresthesias of the feet and hands. The incidence is higher in "slow inactivators".

Other neurotoxic effects, which are uncommon with conventional doses, are convulsions, toxic encephalopathy, optic neuritis and atrophy, memory impairment, and toxic psychosis.

Gastrointestinal reactions. Nausea, vomiting, and epigastric distress.

Hepatic reactions. Elevated serum transaminases (SGOT; SGPT), bilirubinemia, bilirubinuria, jaundice, and occasionally severe and sometimes fatal hepatitis. The common prodromal symptoms are anorexia, nausea, vomiting, fatigue, malaise, and weakness. Mild and transient elevation of serum transaminase levels, occurs in 10 to 20 percent of persons taking isoniazid. The abnormality usually occurs in the first 4 to 6 months of treatment but can occur at any time during therapy. In most instances, enzyme levels return to normal with no necessity to discontinue medication. In occasional instances, progressive liver damage occurs, with accompanying symptoms. In these cases, the drug should be discontinued immediately. The frequency of progressive liver damage increases with age. It is rare in persons under 20, but occurs in up to 2.3 percent of those over 50 years of age.

Hematologic reactions. Agranulocytosis; hemolytic, sideroblastic, or aplastic anemia; thrombocytopenia; and eosinophilia.

Hypersensitivity reactions. Fever, skin eruptions (morbilliform, maculopapular, purpuric, or exfoliative), lymphadenopathy, and vasculitis.

Metabolic and endocrine reactions. Pyridoxine deficiency, pellagra, hyperglycemia, metabolic acidosis, and gynecomastia.

Miscellaneous reactions. Rheumatic syndrome and systemic lupus erythematosus-like syndrome.

Overdosage

Signs and symptoms. Isoniazid overdosage produces signs and symptoms from 30 minutes to 3 hours after ingestion. Nausea, vomiting, dizziness, slurring of speech, blurring of vision, and visual hallucinations (including bright colors and strange designs) are among the early manifestations. With marked overdosage, respiratory distress and CNS depression, progressing rapidly from stupor to profound coma, are to be expected, along with severe, intractable seizures. Severe metabolic acidosis, acetonuria, and hyperglycemia are typical laboratory findings.

Treatment. Untreated or inadequately treated cases of gross isoniazid overdosage can terminate fatally, but good response has been reported in most patients brought under adequate treatment within the first few hours after drug ingestion.

Secure the airway and establish adequate respiratory exchange. Gastric lavage within the first 2 to 3 hours is advised, but should not be attempted until convulsions are under control. To control convulsions administer I.V. short-acting barbiturates and I.V. pyridoxine (usually 1 mg/1 mg isoniazid ingested).

Obtain blood samples for immediate determination of gases, electrolytes, BUN, glucose, etc.; type and crossmatch blood in preparation for possible hemodialysis.

Rapid control of metabolic acidosis is fundamental to management. Give IV sodium bicarbonate at once and repeat as needed, adjusting subsequent dosage on the basis of laboratory findings (i.e., serum sodium, pH, etc.).

Forced osmotic diuresis must be started early and should be continued for some hours after clinical improvement to hasten renal clearance of drug and help prevent relapse; monitor fluid intake and output.

Hemodialysis is advised for severe cases; if this is not available, peritoneal dialysis can be used along with forced diuresis.

Along with measures based on initial and repeated determination of blood gases and other laboratory tests as needed, utilize meticulous respiratory and other intensive care to protect against hypoxia, hypotension, aspiration pneumonitis, etc.

NOTE.—For preventive therapy of tuberculous infection it is recommended that physicians be familiar with the joint recommendations of the American Thoracic Society, American Lung Association, and the Center for Disease Control, as published in the American Review of Respiratory Diseases Vol. 110, No. 3, September 1974, or CDC's morbidity and Mortality Weekly Report, Vol. 24, No. 8, February 22, 1975.

Dosage and Administration

For treatment of tuberculosis: Isoniazid is used in conjunction with other effective antituberculous agents. If the bacilli become resistant, therapy must be changed to agents to which the bacilli are susceptible.

Usual oral dosage: Adults—5 mg/kg up to 300 mg daily in a single dose; infants and children—10-20 mg/kg depending on severity of infection, (up to 300-500 mg daily) in a single dose.

For preventive therapy: Adults—300 mg per day in a single dose; infants and children—10 mg/kg (up to 300 mg daily) in a single dose.

Continuous administration of isoniazid for a sufficient period is an essential part of the regimen because relapse rates are higher if chemotherapy is stopped prematurely. In the treatment of tuberculosis, resistant organisms may multiply and the emergence of resistant organisms during the treatment may necessitate a change in the regimen.

Concomitant administration of pyridoxine (B_6) is recommended in the malnourished and in those predisposed to neuropathy (e.g., alcoholics and diabetics)

The above labeling for single-entity isoniazid products also applies to the isoniazid component of combination products and should be incorporated into the labeling of such combinations. For combinations, the statement under Indications that reads: "For all forms of tuberculosis in which the organisms are susceptible" should be changed to read as follows:

For all forms of tuberculosis in which organisms are susceptible, and when the patient has been titrated on the individual components and it has therefore been established that this fixed dosage meets the foregoing needs.

This fixed-dosage combination drug is not recommended for initial therapy of tuberculosis or for preventive therapy.

Copies of the following references are available for public examination in the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen between the hours of 9 a.m. and 4 p.m. Monday through Friday.

References

1. Black, M., J. R. Mitchell, H. J. Zimmerman, K. G. Ishak, and G. R. Epler, "Isoniazid-Associated Hepatitis in 114 patients," Gastroenterology, 69:289-302, 1975.

2. Mitchell, J. R. et al., "Isoniazid Liver Injury: Clinical Spectrum, Pathology, and Probable Pathogenesis," Annuals of Internal Medicine 84:181-192, 1976.

3. Garibaldi, R. A., R. E. Drusin, S. H. Ferebee, and M. B. Gregg, "Isoniazid-Associated Hepatitis: Report of an

Outbreak," American Review of Respiratory Diseases 106:357-365, 1972.

4. Maddrey, W. C., and J. K. Boitnott, "Isoniazid Hepatitis," Annals of Internal Medicine 79:1-12, 1973.

5. Israel, H. L., "Isoniazid-Associated Hepatitis; Reconsideration of the Indications for Administration of Isoniazid," Gastroenterology 69:539-542, 1975.

6. Greenberg, H. B., "Correspondence: Isoniazid and the Liver," American Review of Respiratory Diseases 111:708-709, 1975.

7. Black, M., "Correspondence: Isoniazid and the Liver," American Review of Respiratory Diseases 111:708-709, 1975.

8. Farer, L. "Correspondence: The Isoniazid Problem," Gastroenterology 70:631, 637, 1976.

9. Reichman, L. B., "Correspondence: The Isoniazid Problem," Gastroenterology 70:631, 637, 1976.

10. Israel, H. L., "Correspondence: The Isoniazid Problem," Gastroenterology 70:631, 637, 1976.

11. Farer, L. S., "Correspondence: Isoniazid and Liver Injury," Annals of Internal Medicine 84:753-754, 1976.

12. Zimmerman, H. J., and J. R. Mitchell, "Correspondence: Isoniazid and Liver Injury," Annals of Internal Medicine 84:753-754, 1976.

13. Farer, L. S., J. L. Glassroth, and D. E. Snider, "Correspondence: Isoniazid-Related Hepatotoxicity," Annals of Internal Medicine 86: 114-115, 1977.

14. Kopanoff, D. E., D. E. Snider, and G. J. Caras, "Isoniazid-Related Hepatitis; A U.S. Public Health Service Cooperative Surveillance Study," Center for Disease Control, Atlanta, (unpublished).

This notice applies not only to any isoniazid product subject to the drug efficacy study but to any such product that is the subject of a new drug application approved either before or after the drug amendments of 1962 and also to any identical, related, or similar drug product (21 CFR 310.6), whether or not it is the subject of an approved new drug application. Any drug manufacturer or distributor may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

Supplements containing revised labeling for drug products affected by this notice shall be submitted on or before March 28, 1978. The revised labeling may be put into use before approval of the supplemental new drug application, as provided for in 21 CFR 314.8 (d) and (e).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: January 18, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-2197 Filed 1-26-78; 8:45 am]

[4110-03]

Food and Drug Administration

PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products by the Secretary, Department of Health, Education, and Welfare.

DATE: Authority for this committee will expire on February 28, 1978, unless the Secretary formally determines that continuance is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Officer (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

Dated: January 19, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-2196 Filed 1-26-78; 8:45 am]

[4110-83]

Health Resources Administration

ADVISORY COMMITTEES

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 bodies scheduled to assemble during the month of February 1978:

NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Date and Time: February 10, 1978, 8:30 a.m.-5:00 p.m.

Place: 1st Floor Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Type of Meeting: 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 Titles 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: To advise on the development of the National Guidelines for Health Planning and to review the progress of the health planning program.

Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Daniel I. Zwick, Office of Planning, Evaluation and Legislation, Room 10-22, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782. Telephone 301-436-7270.

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Date and Time: February 13-14, 1978, 8:30 a.m.

Place: Conference Room No. 10, Building 31, National Institutes of Health, 6th Floor, C-Wing, Bethesda, Md. 20014.

Types of Meetings: Open February 13—8:30 a.m.-12:30 p.m. (10:30 a.m.-12:30 p.m. will be structured study for Council members.) Closed for remainder of the meeting.

Purpose: The Council advises the Secretary concerning the programs authorized by the Health Professions Educational Assistance Act of 1976, including recommendations on contracts, grant applications for construction, capitation, special projects, and financial need. These and other programs are designed to enable the health professions education institutions to meet the Nation's health manpower requirements.

Agenda: Agenda items for the open portion of the meeting will include a report by the Administrator, HRA; Bureau update; 1979 Budget; discussion of future meeting dates; and the review of draft documents prepared for use in implementing Pub. L. 94-484. The remainder of the meeting will be closed to the public for the review of applications submitted under the Family Medicine Residency Program. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mrs. Lynn Stevens, Bureau of Health Manpower, Room 9-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6508.

GRADUATE MEDICAL EDUCATION NATIONAL ADVISORY COMMITTEE

Date and Time: February 17, 1978, 9:00 a.m.

Place: Conference Room 7-32, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

Type of Meeting: Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: Discussion will focus on review of consultant/staff discussions taking place since the previous meeting. Topics discussed include issues associated with the financing of graduate medical education; physician extenders; and the development of a manpower model.

A portion of the meeting will be available for comments and participation by the public. Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Frederick V. Featherstone, Bureau of Health Manpower, Room 4-42, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6430. Agenda items are subject to change as priorities dictate.

Dated: January 18, 1978.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 78-2221 Filed 1-26-78; 8:45 am]

[4110-83]

LIST OF URBAN AND RURAL POVERTY AREAS

Availability

Notice is hereby given that State health planning and development agencies and the Department of Health, Education, and Welfare regional offices have available a listing of urban and rural poverty areas. Title XVI of the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641), provides assistance to eligible applicants through project grants, allotments, loans and loan guarantees with interest subsidies for construction, conversion and modernization of medical facilities. The Act provides that the level of Federal participation in a project shall not exceed a percentage specified in the Act unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the Federal share may cover up to 100 percent of the cost of the project. The term "urban or rural poverty area" has been defined as a census tract, census county division, or minor civil division, as applicabale, in which a certain percentage of the residents have incomes below the poverty level (the "area percentage"). Under section 1633(15) of the Act, the area percentage must be one that, when the populations of all areas with poverty populations at or above that percentage are aggregated, will yield a total population which is the same percentage of the total population of the United States population with incomes below the poverty level, plus or minus five percent. Thus, the statute sets up absolute outer limits within which the Secretary may set the area percentage, but gives the Secretary discretion within those limits. The Secretary has decided to establish the rule that the area percentage will be as low as the law allows (21.92 percent), so that the benefits of being located in an urban or rural poverty area will be open to as many facilities as possible within the statutory constraints. That is, if the area percentage of population in poverty (from the U.S. Census figures for 1970) is 21.92 percent or higher, the area would qualify for Federal assistance through Title XVI in excess of the normal maximum.

If the percentage is not known to the applicant, or verification is desired, copies of the listing of urban and rural poverty areas are available at the DHEW regional offices and State health planning and development agencies listed below.

Dated: January 12, 1978.

HENRY A. FOLEY,
Administrator.

DHEW Regional Office I, John F. Kennedy Federal Building, Boston, Mass. 02203.
DHEW Regional Office II, 26 Federal Plaza, New York, N.Y. 10007.
DHEW Regional Office III, P.O. Box 13716, Philadelphia, Pa. 19101.
DHEW Regional Office IV, 50 Seventh Street NE., Atlanta, Ga. 30323.
DHEW Regional Office V, 300 South Wacker Drive, Chicago, Ill. 60606.
DHEW Regional Office VI, 1200 Main Tower, Dallas, Tex. 75202.
DHEW Regional Office VII, 601 East 12th Street, Kansas City, Mo. 64106.
DHEW Regional Office VIII, 1961 Stout Street, Denver, Colo. 80294.
DHEW Regional Office IX, 50 Fulton Street, San Francisco, Calif. 94102.
DHEW Regional Office X, 1321 Second Avenue, Seattle, Wash. 98101.
Health Planning and Development Agency, Alabama State Department of Public Health, Montgomery, Ala. 36130.
Office of Planning and Research, Department of Health and Social Services, Pouch H 01A, Juneau, Alaska 99811.
State Health Planning and Development Agency, Department of Medical Services, L. B. J. Tropical Medical Center, Pago Pago, American Samoa 96799.
Division of Planning and Resources, Arizona Department of Health Services, 1740 West Adams Street, room 101, Phoenix, Ariz. 85001.
Arkansas State Health Planning and Development Agency, 4815 West Markham Street, Little Rock, Ark. 72201.
Office of Statewide Health Planning and Development, State Department of Health, 744 P Street, Sacramento, Calif. 95814.
Office of Medical Care Regulation and Development, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colo. 84220.
Bureau of Health Planning and Development, Connecticut State Department of Health, 79 Elm Street, Hartford, Conn. 06115.
Bureau of Health Planning and Resource Development, Department of Health and Social Services, Jesse S. Cooper Building, Dover, Del. 19901.
Office of State Agency Affairs, Department of Human Resources, 1329 D Street, room 1023, Washington, D.C. 20004.
Office of Health Planning and Development, Florida State Department of Health and Rehabilitation Services, 1323 Winewood Boulevard, Tallahassee, Fla. 32301.
Office of the SHPDA, Department of Human Resources, 16 Executive Park Avenue NE, Atlanta, Ga. 30329.
Department of Public Health and Social Services, Government of Guam, P.O. Box 2816, Agana, Guam 96910.
Hawaii State Health Planning and Development Agency, State Department of Health, 1250 Punchbowl Street, P.O. Box 3378, Honolulu, Hawaii 96801.
Bureau Health Planning and Development, Idaho State Department of Health and Welfare, State House, Boise, Idaho 83720.
State Health Planning and Development Agency, Department of Public Health, 535 West Jefferson Street, Springfield, Ill. 62761.
State Health Planning and Development, Agency, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Ind. 46206.
Iowa State Health Planning and Development, Agency, Iowa State Department of Health, P.O. Box 7112, Grand Station, 819 Grand Avenue, Des Moines, Iowa 50309.
Bureau of Health Planning, Kansas Department of Health and Environment, 6700 South Topeka Avenue, Topeka, Kans. 66620.
Center for Comprehensive Health Systems Development, Department of Human Resources, Health Services Building, 275 East Main Street, Frankfort, Ky. 40601.
Louisiana State Health Planning and Development Agency, Department of Health and Human Resources, 150 Riverside Mall, Suite 410, Baton Rouge, La. 70801.
Bureau of Health Planning and Development, Department of Human Services, State House, Augusta, Maine 04333.
State Department of Health, Maryland CHP Agency, O'Connor Building, 201 West Preston Street, Baltimore, Md. 21201.
State Health Planning and Development Agency, Massachusetts Department of Public Health, 600 Washington Street, room 614, Boston, Mass. 02111.
State Health Planning and Development Agency, Office of Health and Medical Affairs, Lewis Cass Building, P.O. Box 30026, Lansing, Mich. 48909.
State Health Planning and Development Agency, Capitol Square Building, 550 Cedar Street, St. Paul, Minn. 55101.

Mississippi Health Planning and Development Agency, Watkins Building, Suite 100, 510 George Street, Jackson, Miss. 39201.
State Health Planning and Development Agency, Division of Special Services, Department of Social Services, Broadway State Office Building, Jefferson City, Mo. 65101.
Bureau of Health Planning and Resource Development, State Department of Health and Environmental Sciences, Division of Hospital and Medical Facilities, Cogswell Building, Helena, Mont. 59601.
Health Systems Planning, Nebraska State Department of Health, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebr. 68508.
Office of Health Planning and Resources, Nevada State Department of Human Resources, 505 East King Street, room 604, Carson City, Nev. 89710.
State Health Planning and Development Agency, State of New Hampshire, Executive Department, 2½ North Main Street, Concord, N.H. 03301.
Division of Health Planning and Resource Development, State Department of Health, Health/Agriculture Building, P.O. Box 1540, Trenton, N.J. 08625.
State Health Planning and Development Agency, State Health and Social Services Department., P.O. Box 2348, Santa Fe, N. Mex. 87503.
New York Health Planning Commission, Tower Building, room 1161, Empire State Plaza, Albany, N.Y. 12237.
State Health Planning and Development Agency, Department of Human Resources, 325 North Salisbury Street, Raleigh, N.C. 27611.
Division of Health Planning, State Department of Health, Missouri Building, 1200 Missouri Avenue, Bismark, N. Dak. 58505.
State Health Planning and Development Agency, Ohio Department of Health, P.O. Box 118, 450 East Town, Columbus, Ohio 43216.
Oklahoma Health Planning Commission, Northeast 10th at Stonewall Street, Box 53551, Oklahoma City, Okla. 73105.
Health Planning and Development Section, Department of Human Resources, Suite 108, 2111 Front Street, NE., Salem, Oreg. 97310.
Office of Planning and Development, State Health Department, P.O. Box 90, Harrisburg, Pa. 17120.
Health Planning Division, Department of Health, Ponce de Leon Avenue, San Juan, Puerto Rico 00908.
Health Planning and Resource Development, Rhode Island State Department of Health, 75 Davis Street, Providence, R.I. 02908.
State Health Planning and Development Agency, South Carolina Department of Health and Environmental Control, 2600 North Bull Street, Columbia, S.C. 29201.
State Health Planning and Development Agency, State Department of Health, Joe Foss Building, Pierre, S.D. 57501
Tennessee Health Planning and Resources Development Authority, Governors Office, Capitol Boulevard Building, Suite 211, 226 Capitol Boulevard, Nashville, Tenn. 37219.
Texas Department of Health Resources, 1100 West 49th Street, Austin, Tex. 78756.
Department of Health Services, Trust Territory Government, Office of the High Commissioner, Saipan, Mariana Islands 96950.
Office of Health Planning and Resource Development, State Department of Social Services, 243 East Fourth Street, Salt Lake City, Utah 84111.
Vermont Health Policy Council, C/O Middlebury College, Middlebury, Vt. 05753.
Division of Health Planning and Resources Development, State Department of Health, 109 Governor Street, Richmond, Va. 23219.
State Health Planning and Development Agency, Department of Health, Box 1442, St. Thomas, Virgin Islands 00801.
Health Services Division, Department of Social and Health Services, 110 Fifth Avenue, East, Olympia, Wash. 98504.
State Health Planning and Development Agency, Office of the Governor, Charleston, W. Va. 25303.
State Health Planning and Development Agency, Division of Health, 1 West Wilson Street, room 699, Madison, Wis. 53702.
State Health Planning and Development Agency, Department of Health and Social Services, Division of Health and Medical Services, Hathaway Building, Cheyenne, Wyo. 82002.

[FR Doc. 78-2317 Filed 1-26-78; 8:45 am]

[4110-08]

National Institutes of Health

NATIONAL DIABETES ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the National Diabetes Advisory Board on February 7, 23, and 24, 1978, 8:30 a.m. to 5 p.m., at the Twin Bridges Marriott, U.S. 1 and I-95, Washington, D.C.

The Board meeting will be held on February 24, 1978 and the Ad Hoc Insulin Study Committee meetings will be held on February 7 and 23, 1978.

The meetings, which will be open to the public are being held to continue review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes and to review and evaluate the status of insulin supplies for diabetic patients in the United States. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014, 301-496-6045, will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: January 23, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-2327 Filed 1-26-78; 8:45 am]

[4110-12]

Office of Human Development Services

FAMILY MEDIAN INCOME BY STATE

Eligibility for Social Services

Under the provision of sections 2002(a)(5)(B), 2002(a)(6) (A) and (B), and 2002(a)(14)(A) of Title XX of the Social Security Act, promulgation is made of the median income of a family of four for each State and the States as a whole, applicable to the period October 1, 1978 through September 30, 1979. This promulgation is made for the purpose of determining the extent of Federal financial participation (FFP) in State expenditures under Title XX. The above listed sections impose certain limitations with respect to the availability of FFP based upon the relationship of the income of the family of a service recipient to the median income of a family of four in the State, adjusted in accordance with regulations prescribed by the Secretary to take into account the size of the family.

Estimates of the median income of families of four persons for each State and the District of Columbia were developed by the Bureau of the Census. In developing the median income scale, the Bureau of the Census used three sources of data: (1) The 1977 Current Population Survey, (2) the 1970 Census of Population, and (3) per capita personal income estimates from the Bureau of Economic Analysis. The methodology for adjusting median income for families of different size is specified in 45 CFR 228.60.

The median income for a family of four, by State, for fiscal year 1979—with calculations at the 80 percent, 90 percent, and 115 percent levels—are set forth below for use by States in establishing income ceilings and fee schedules under Title XX of the Social Security Act:

MEDIAN INCOME FOR FAMILIES OF 4

State	Median income	80 pct of median income	90 pct of median income	115 pct of median income
Alabama	15,346	12,277	13,811	17,648
Alaska	28,571	22,857	25,714	32,857
Arizona	17,131	13,705	15,418	19,701
Arkansas	13,679	10,943	12,311	15,731
California	18,931	15,145	17,038	21,771
Colorado	18,244	14,595	16,420	20,981
Connecticut	18,789	15,031	16,910	21,607
Delaware	16,859	13,487	15,173	19,388
District of Columbia	17,201	13,761	15,481	19,781
Florida	16,278	13,022	14,650	18,720
Georgia	15,799	12,639	14,219	18,169
Hawaii	20,113	16,090	18,102	23,130
Idaho	15,982	12,786	14,384	18,379
Illinois	19,336	15,469	17,402	22,236
Indiana	17,329	13,863	15,596	19,928
Iowa	16,919	13,535	15,227	19,457
Kansas	16,840	13,472	15,156	19,366
Kentucky	14,964	11,971	13,468	17,209
Louisiana	15,354	12,283	13,819	17,657
Maine	14,429	11,543	12,986	16,593
Maryland	19,331	15,465	17,398	22,231
Massachusetts	17,842	14,274	16,058	20,518
Michigan	18,572	14,858	16,715	21,358
Minnesota	17,970	14,376	16,173	20,666
Mississippi	13,475	10,780	12,128	15,496
Missouri	16,177	12,942	14,559	18,604
Montana	15,522	12,418	13,970	17,850
Nebraska	15,205	12,164	13,685	17,486
Nevada	18,290	14,632	16,461	21,034
New Hampshire	16,937	13,550	15,243	19,478
New Jersey	19,865	15,892	17,879	22,845
New Mexico	15,504	12,403	13,954	17,830
New York	17,200	13,760	15,480	19,780
North Carolina	15,214	12,171	13,693	17,496
North Dakota	15,469	12,375	13,922	17,789
Ohio	17,515	14,012	15,764	20,142
Oklahoma	15,621	12,497	14,059	17,964
Oregon	17,761	14,209	15,985	20,425
Pennsylvania	17,054	13,643	15,349	19,612
Rhode Island	16,991	13,593	15,292	19,540
South Carolina	15,416	12,333	13,874	17,728
South Dakota	13,684	10,947	12,316	15,737
Tennessee	14,859	11,887	13,373	17,088
Texas	17,420	13,936	15,678	20,033
Utah	16,656	13,325	14,990	19,154
Vermont	15,523	12,418	13,971	17,851
Virginia	17,955	14,364	16,160	20,648
Washington	18,359	14,687	16,523	21,113
West Virginia	15,564	12,451	14,008	17,899
Wisconsin	17,923	14,338	16,131	20,611
Wyoming	18,256	14,605	16,430	20,994

NOTE.—The median income for a family of 4 in the 50 States and the District of Columbia, applicable to the period Oct. 1, 1978, through Sept. 30, 1979, is $17,315.

(Sec. 1102, 49 Stat. 674 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.771 Social Services for Low Income and Public Assistance Recipients.)

Dated: December 20, 1977.

MICHIO SUZUKI,
Acting Commissioner,
Administration for Public Services.

Approved: January 20, 1978.

ARABELLA MARTINEZ
Assistant Secretary for Human Development Services.

[FR Doc. 78-2223 Filed 1-26-78; 8:45 am]

[4110-08]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the Committee on Cancer Immunotherapy, National Cancer Institute, February 16 and February 23, 1978, Building 10, Room 4B14, National Institutes of Health. These meetings will be open to the public on February 16 and February 23, from 1:15 p.m. to 1:45 p.m., to consider administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, these meetings will be closed to the public on February 16 and February 23, 1978, from 1:45 p.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708 will provide summaries of the meetings and rosters of committee members.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National In-

stitutes of Health, Bethesda, Md. 20014, 301-496-1791 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.395, National Institutes of Health.)

Dated: January 12, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-2218 Filed 1-26-78; 8:45 am]

[4110-08]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meeting

NOTE: This document originally appeared in the FEDERAL REGISTER for Wednesday, January 25, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, February 9, 1978, Building 10, Room 4B14, National Institutes of Health. The meeting will be open to the public on February 9, 1978, from 1:15 p.m. to 1:45 p.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 9, 1978, from 1:45 p.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014 301-496-5708 will provide summaries of the meeting and a roster of committee members.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National Institutes of Health, Bethesda, Md. 20014 301-496-1791 will furnish substantive program Information.

(Catalog of Federal Domestic Assistance Program No. 13.395, National Institutes of Health)

Dated: January 12, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-2214 Filed 1-24-78; 8:45 am]

[4110-08]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Meeting

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, January 25, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, on February 6 and 7, 1978, at the LaPlaya Hotel, Camino Real at 8, Carmel-by-the-Sea, Calif.

The meeting will be open to the public on February 6, 1978, from 9 a.m. to 11 a.m., to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 6 from 11 a.m. to 5 p.m., and on February 7 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the application.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Md. 20014, telephone 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Committee, Room 5B51, Building 31, National Institutes of Health, Bethesda, Md. 20014, telephone 301-496-6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.333, National Institutes of Health.)

Dated: January 12, 1978.

SUZANNE L. FREMEAU,
NIH Committee Management Officer.

[FR Doc. 78-2213 Filed 1-24-78; 8:45 am]

[4110-08]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Amended Meeting

Notice is hereby given of an addition to the agenda of the meeting of the National Advisory Research Resources Council, Division of Research Resources, January 30-31, 1978, Conference Room 10, Building 31-C, National Institutes of Health, Bethesda, Md. 20014, which was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 35880).

The open portion of the meeting, scheduled for January 30, will include additionally a Primate Supply Status Report by a member of the DRR staff, a General Discussion by the members of the National Advisory Research Resources Council, and a discussion of the DRR Forward Plan 1980-84.

Dated: January 20, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-2215 Filed 1-26-78; 8:45 am]

[4110-08]

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Meeting

Notice is hereby given of the meeting on the state-of-the-art in Cooley's anemia research and treatment sponsored by the National Heart, Lung, and Blood Institute; February 13, 1978, in the National Institutes of Health, Bethesda, Md., Building 31, Wing C, Conference Room 9.

This meeting will be open to the public on February 13, 1978 from 9:30 a.m. to adjournment. The agenda will include a discussion of the dimension of the problem of Cooley's anemia research and treatment, the public and private resources for the diagnosis of, screening for, and research on Cooley's anemia; and the most fruitful areas for future research. Attendance will be limited to space available.

Mr. John B. Lyons, Administrative Officer, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, Bethesda, Md. 20014, phone 301-496-3533 will provide additional information.

Dated: January 19, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-2217 Filed 1-26-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the National Commission on Digestive Diseases will hold a public hearing on March 2, and a Commission meeting on March 3, 1978, in Washington, D.C. 20201, places and

times listed below. The entire two days will be open to the public. Attendance by the public will be limited to space available.

The Commission will hold the public hearing March 2, 10:00 a.m. to 6:00 p.m. at the Department of Health, Education, and Welfare, Hubert Humphrey Building Auditorium, 2nd and C Streets SW. On March 3, the Commission will hold a meeting, 9:00 a.m. to 5:00 p.m., at the same location, in Room, 529A, to discuss business matters and reports.

Any member of the public who wishes to appear before the Commission on March 2 shall file a written statement or detailed summary of his remarks with the Commission before February 15, 1978. Statements or summaries may be sent to Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, telephone 301-496-3583, will provide summaries of the Commission meeting.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: January 20, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-2220 Filed 1-26-78; 8:45 am]

[4110-08]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Cancellation of Meeting

Notice of cancellation is hereby given of a meeting of the Recombinant DNA Molecule Program Advisory Committee at the National Institutes of Health, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, Md. 20014 on February 13-14, 1978 from 9 a.m. to 5 p.m., and will be rescheduled at a later date. This meeting was published in the FEDERAL REGISTER on Friday, January 13, 1978 (43 FR 2007 and 2008).

Dated: January 17, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-2216 Filed 1-26-78; 8:45 am]

[4110-08]

REVIEW COMMITTEES

Meetings for the Review of Grant Applications

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual grant applications, as indicated. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

PANCREATIC CANCER SUBCOMMITTEE OF THE LARGE BOWEL AND PANCREATIC CANCER REVIEW COMMITTEE

Dates: February 17, 1978; 8:30 a.m.
Place: LaSalle Building, 1440 Canal Street, New Orleans, La.
Type and times of meetings: Open: February 17, 8:30 a.m.-9:30 a.m. Closed: February 17, 9:30 a.m.-adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. William Straile, Westwood Building, Room 853, National Institutes of Health, 301-496-7194.

(Catalog of Federal Domestic Assistance Nos. 13.393, 13.394, 13.395, National Institutes of Health.)

LARGE BOWEL CANCER SUBCOMMITTEE OF THE LARGE BOWEL AND PANCREATIC CANCER REVIEW COMMITTEE

Dates: February 27-28, 1978; 7:30 p.m.
Place: Anderson-Mayfair Hotel, 1600 Holcombe Boulevard, Houston, Tex. 77025.
Types and times of meetings: Open: February 27, 7:30 p.m.-8:30 p.m. Closed: February 27, 8:30 p.m.-10:30 p.m. Closed: February 28, 9 a.m.-adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. Andrew Chiarodo, Westwood Building, Room 853, National Institutes of Health, 301-496-7194.

(Catalog of Federal Domestic Assistance Nos. 13.393, 13.394, 13.395, National Institutes of Health.)

Dated: January 12, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-2219 Filed 1-26-78; 8:45 am]

[4110-08]

NATIONAL DIABETES ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on March 15, 1978, in Washington, D.C. The time and meeting location may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014, 301-496-6045.

The meeting, which will be open to the public, is being held to continue review of the status and implementation of the long-range plan to combat diabetes formulated by the National Commission on Diabetes. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: January 23, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-2328 Filed 1-26-78; 8:45 am]

[1505-01]

Food and Drug Administration

[Docket No. 77P-0168]

COHERENT RADIATION

Approval of Variance for Laser Linemaker, Model 81-11L

Correction

In FR Doc. 77-35702 appearing on page 63470 in the issue of Friday, December 16, 1977, in the 2nd column, the 1st full paragraph, the 3rd sentence, "20" should read "20."

Also, in the 6th paragraph, numbered 3, in the 3rd column, the 4th line from the bottom, "20" should read "20".

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 42]

ALASKA

Filing of Protraction Diagram (Unsurveyed)

JANUARY 11, 1978.

1. Notice is hereby given that effective with this publication the following protraction diagrams are officially filed of record, for information only, in the Alaska State Office, 555 Cordova Street, Anchorage, Alaska. In accordance with 43 CFR 3101.1-4, these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 2627, and other authorized uses filed at or subsequent to 10 a.m. on February 28, 1978.

Approved November 2, 1977, Seward Meridian

S 28-5	Tps. 69-71 S	Rs. 105-108 W.
S 32-3	Tps. 82-84 S	Rs. 142-145 W.
S 32-4	Tp. 85 S.	Rs. 143,144 W.
S 32-5	Tps. 85,86 S.	Rs. 145,146 W.
S 32-6	Tps. 86-89 S	Rs. 149-154 W.
S 33-2	Tps. 5-7 N.	Rs. 134-136 W.
S 33-3	Tps. 1-4 N.	Rs. 132-136 W.
S 34-4	Tps. 93,94 S.	Rs. 168-173 W.
S 34-5	Tps. 90,91 S.	Rs. 162-165 W.
S 34-6	Tps. 93,94 S.	Rs. 181-184 W.
S 34-7	Tps. 93-96 S.	Rs. 185-188 W.
S 34-8	Tp. 92 S.	Rs. 182-185 W.
S 35-1	Tps. 93-97 S.	Rs. 189-192 W.
S 35-2	Tps. 94-96 S.	Rs. 193-196 W.
S 35-3	Tps. 95,96 S.	Rs. 197-200 W.
S 35-4	Tps. 95,96 S.	Rs. 201-204 W.
S 35-5	Tps. 95,96 S.	Rs. 205,206 W.
S 35-6	Tps. 96-100 S.	Rs. 210-214 W.
S 35-7	Tps. 97-100 S.	Rs. 205-209 W.
S 35-8	Tps. 97,98 S.	Rs. 201-204 W.
S 35-9	Tps. 97-99 S.	Rs. 197-200 W.
S 35-10	Tps. 97,98 S.	Rs. 193-196 W.
S 35-11	Tps. 101-103 S.	Rs. 214-216 W.
S 36-1	Tps. 94-96 S.	Rs. 220-223 W.
S 36-2	Tps. 94-96 S.	Rs. 229-232 W.
S 36-3	Tps. 93-96 S.	Rs. 233-236 W.
S 36-4	Tps. 93-97 S.	Rs. 237-247 W.
S 36-5	Tps. 97-99 S.	Rs. 229-233 W.
S 36-6	Tps. 99,100 S.	Rs. 226-228 W.
S 36-7	Tps. 101,102 S.	Rs. 226-229 W.
S 37-6	Tps. 85-88 S.	Rs. 256-260 W.
S 37-7	Tps. 89,90 S.	Rs. 261-264 W.

2. Copies of this diagram are for sale at two dollars ($2) per sheet by the State Director, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: January 13, 1978.

IRVING ZIRPEL, Jr.,
Chief, Division of Cadastral Survey.

[FR Doc. 78-2225 Filed 1-26-78; 8:45 am]

[1505-01]

[AA-6661-H]

ALASKA

Alaska Native Claims Selection

Correction

In FR Doc. 78-1891 appearing at page 3175 in the issue for Monday, January 23, 1978, on page 3176, in the third column, in the paragraph numbered "2.", in the next to last line, the date "February 2, 1978", should read "February 22, 1978".

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 23rd day of January 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JANUARY 20, 1978

Name of applicant, location of enterprise, and principal product or activity

Champion Products, Inc. (Tenant of Chenango County Industrial Development Authority), Norwich, N.Y., manufacture of athletic uniforms.

T. A. Kilgore & Co., League City, Tex., retail and wholesale of lumber supplies and related hardware.

Raven Industries, Inc., (Tenant of City of Parkston), Parkston, S. Dak., manufacture of men's, women's and children's apparel.

[FR Doc. 78-2245 Filed 1-26-78; 8:45 am]

[4510-30]

EXPANDED JOB CORPS CENTER AT FORMER ST. FRANCIS SEMINARY, SPRINGDALE, OREG.

Determination of Negative Environmental Impact

AGENCY: Employment and Training Adminstration, Labor.

ACTION: Notice-finding of negative environmental impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR

Part 1500 that the consolidation of three existing Job Corps programs at the former St. Francis Seminary in Springdale, Oreg., does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION:

Contact Raymond E. Young, Acting Director, Job Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6995.

SUPPLEMENTARY INFORMATION: Title IV of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. 911 et seq., directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 29 CFR Part 97a, implementing Title IV of CETA. Pursuant to his authority the Secretary is consolidating the Job Corps operations at the St. Francis Seminary location.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the expansion of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c). The Portland Job Corps Center is a training center with residential, nonresidential and educational facilities for approximately 275 disadvantaged youth, men, and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 80 is to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The use of facility is for the same purpose as used by the previous occupant, specifically residential living and education.

The center is a self-contained facility located on the Sandy River near Springdale, Oreg. The site is located on approximately 52 acres. Seven existing buildings will be utilized and three additional buildings will be erected.

Water is supplied to the center by the city.

On-site sewage treatment facilities will be upgraded as required to meet applicable standards. This will be accomplished either by the remodeling of the existing plant or by the installation of a new prepackaged plant with tertiary treatment.

The expanded Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The consolidated Job Corps center will comply with the water quality and related standards of the State and local Government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., with Executive Order 11752, and with regulations and guidelines of the U.S. Environmental Protection Agency.

The center expansion will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

Signed at Washington, D.C., this 29th day of December, 1977.

RAYMOND E. YOUNG,
Acting Director, Job Corps.

[FR Doc. 78-2389 Filed 1-26-78; 8:45 am]

[4510-30]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefits Program in All States

This notice announces the ending of the Federal supplemental benefit periods and additional eligibility periods in all States, due to the termination of the program at the end of January 1978.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) created a temporary program of supplementary unemployment benefits (referred to as Federal supplemental benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Under the law the program expires in each State at the end of the last week that ends on or before January 31, 1978.

As the Federal supplemental benefits programs ends, there are Federal supplemental benefit periods in effect in the following States:

Alaska, Maine, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Washington.

The benefit period and the program terminate in New York with the week ending on January 29, 1978, and in New Jersey with the week ending on January 31, 1978. In all the other States listed the benefit periods and the program terminate with the week ending on January 28, 1978.

In addition, there are additional eligibility periods which remain in effect in the States of Connecticut and Michigan, and in those States the additional eligibility periods and the program also terminate with the week ending on January 28, 1978.

Signed at Washington, D.C., on January 24, 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-2391 Filed 1-26-78; 8:45 am]

[4510-30]

Employment and Training Administration

FEDERAL-STATE EXTENDED BENEFITS

National "Off" Indicator for Extended Benefits

This notice announces the National "off" indicator for Extended Benefit Periods in the States, and the ending of Extended Benefit Periods in all but ten States, effective on January 28, 1978.

BACKGROUND

The Federal-State Extended Unemployment Compensation Act of 1970 (title II of Pub. L. 91-373), as implemented in State unemployment compensation laws, created the Extended Benefit Program as a permanent feature of the Federal-State Unemployment Compensation Program. Extended Benefits are payable under State laws for up to 13 weeks to individuals who have exhausted their rights to regular benefits under the State laws or under permanent Federal unemployment compensation laws administered by the States. Extended Benefits are payable only during an Extended Benefit Period, which may be triggered "on" in a State by either a State or National indicator, when insured unemployment in the State or in the Nation reaches the high rates set in the Act. Similarly, an Extended Benefit Period will end in a State or in all States when insured unemployment drops below the high rates set in the Act.

There was a National "on" indicator for the week ending on August 13, 1977, and an Extended Benefit Period therefore commenced with the week beginning on August 28, 1977, in all States in which an Extended Benefit Period was not already in effect. Extended Benefit Periods have remained in effect in all States since that date by reason of the National "on" indicator. Now that there has been a National "off" indicator for the week ending on January 7, 1978, the Extended Benefit Program will no longer remain in effect in most States after the week which ends on January 28, 1978.

DETERMINATION OF "OFF" INDICATOR

I have determined in accordance with the Act, as amended by section 311(a) of the Unemployment Compen-

sation Amendments of 1976 (Pub. L. 94-566, approved October 20, 1976; 90 Stat. 2667, 2678), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a National "off" indicator for Extended Benefits for the week ending on January 7, 1978, and that Extended Benefit Periods terminate with the week ending on January 28, 1978, in all States with respect to which there was also a State "off" indicator for the week ending on January 7, 1978.

In the following ten States, however, Extended Benefit Periods will continue in effect after January 28, 1978, because State indicators remain "on" in those States:

Alaska, Hawaii, Maine, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Washington.

In the Virgin Islands, where the Extended Benefit Period took effect on January 1, 1978, following the approval of the Virgin Islands unemployment compensation law under section 3304(a) of the Federal Unemployment Tax Act, (26 U.S.C. 3304(a)), the Extended Benefit Period also ends on January 28, 1978.

INFORMATION FOR CLAIMANTS

Individuals currently filing claims for Extended Benefits in States in which Extended Benefit Periods will end on January 28, 1978, will receive written notices from the employment security agency of their State, advising them of the end of the Extended Benefit Period with respect to that State and the termination of further payments of Extended Benefits.

Persons who wish information about their rights to Extended Benefits in any State should contact the nearest employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on January 24, 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-2392 Filed 1-26-78; 8:45 am]

[4510-30]

PROPOSED JOB CORPS CENTER AT THE FATHER JUDGE SEMINARY IN MONROE, VA.

Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-finding of negative environmental impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Father Judge Seminary site does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION:

Contact Raymond E. Young, Director, Job Corps, Room 6100, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6995.

SUPPLEMENTARY INFORMATION: Title IV of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. 911 et seq., directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 16 through 21. The Secretary has issued regulations published at 29 CFR Part 97a, implementing Title IV of CETA. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the former Father Judge Seminary location provided an agreement can be reached on acquisition of the facilities.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1500.6(c). The proposed Monroe, Va., Job Corps Center will be a training center with residential and educational facilities for approximately 350 disadvantaged youth, men, and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 120 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living and education.

The center will be a self-contained facility located on State Route 655, near Monroe, Va., approximately 12 miles north of Lynchburg, Va.

Water is supplied by 3 wells and 3 springs. Electric power is supplied by Appalachian Power Co. Sewage disposal is provided by an on-site sewage treatment plant which is inadequate. Provision has been made in the budget to provide new sewage treatment facilities and to modify existing boilers to meet current OSHA codes.

New construction will be required for vocational shop facilities and warehousing.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., with Executive Order 11752, and with regulations and guidelines of the U.S. Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

Signed at Washington, D.C., this 3rd day of January, 1978.

RAYMOND E. YOUNG,
Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 78-2388 Filed 1-26-78; 8:45 am]

[4510-30]

YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS (YCCIP) AND YOUTH EMPLOYMENT AND TRAINING PROGRAMS (YETP) FOR YOUTHS WHO ARE MEMBERS OF MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER FAMILIES

Conditions for Competition

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the conditions for competition, the availability of funds, the implementing schedule for submitting proposals, and the review criteria to be used for youth community conservation and improvement projects (YCCIP) and youth employment and training programs (YETP) for youths who are members of migrant and other seasonally employed farmworker families. Funds are to be awarded on a competitive basis to those grantees selected to operate YCCIP and/or YETP programs and are operating section 303 programs for migrant and seasonal farmworkers and their families during 1978 under the Comprehensive Employment and Training Act (CETA) of 1973, as amended.

FOR FURTHER INFORMATION CONTACT:

Paul A. Mayrand, Director, Office of Farmworker Programs, U.S. Department of Labor, Room 7122, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: Pursuant to the Youth Employment

and Demonstration Projects Act (YEDPA) of 1977, the Office of Farmworker Programs (OFP) of the Department of Labor (DOL) announces the availability of funds to implement youth community conservation and improvement projects (YCCIP) and youth employment and training programs (YETP) for youths who are members of migrant and seasonal farmworker families.

YCCIP and YETP grants will be made only to those grantees operating migrant and seasonal farmworker programs during 1978 under section 303 of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, and only to those section 303 grantees selected as a result of a competitive process for YCCIP and YETP funds.

The selection procedures and other rules applying to YCCIP and YET funds for youths who are members of mirant and seasonal farmworker families were published in the FEDERAL REGISTER on Friday, January 13, 1978, as Subpart J—Youth Community Conservation and Improvement Projects for section 303 grantees, and Subpart K—Youth Employment and Training Programs for section 303 grantees, of Part 97 of regulations under CETA.

In those regulations, it was stated that the proposal for YCCIP and YETP funds for youths who are members of migrant and seasonal farmworker families would be due on a date to be set by the Director, Office of Farmworker Programs, and published in the FEDERAL REGISTER.

This publication constitutes formal notice that proposals for YCCIP and YETP funds for programs for youths who are members of migrant and seasonal farmworker families must be hand delivered or posted by registered or certified mail no later than 3 p.m., February 13, 1978.

Each eligible applicant must submit three copies of the proposed YCCIP and/or YETP plans to the address listed below:

U.S. Department of Labor, Employment and Training Administration, 601 D Street NW., Room 7122, Patrick Henry Building, Washington, D.C. 20213; Attention: Director, Office of Farmworker Programs.

Two copies of the proposed YCCIP and/or YETP plans shall also be submitted directly to the appropriate Regional Administrator for Employment and Training at the same time the three copies are submitted to the above addressed and labeled: YCCIP and/or YETP plans for CETA 303 farmworker programs.

Proposed YCCIP and/or YETP plans sent by mail to the preceding address must be registered or certified with return receipt requested. In order to be considered as submitted on time by the Employment and Training Administration, the following conditions must be met:

1. The proposed YCCIP and YETP plans must be registered or certified by the Postal Service on or before 3 p.m., February 13, 1978. No deviation in this condition shall be made by the Employment and Training Administration. All proposed YCCIP and/or YETP plans received bearing postmarks after 3 p.m. shall be returned without consideration.

2. Proposed YCCIP and/or YETP plans delivered by hand must be taken to the address given previously in this section. All eligible applicants who deliver proposed YCCIP and/or YETP plans will be given a receipt bearing a time and date of delivery. Proposed YCCIP and/or YETP plans will be accepted daily between the hours of 8:15 a.m. and 4:45 p.m., Washington, D.C., time except Saturdays, Sundays, and holidays. Proposed YCCIP and/or YETP plans will not be received by hand-delivery after 3 p.m., e.d.t., on February 13, 1978. No deviation in this condition shall be made and no proposed YCCIP and/or YETP plan delivered after 3 p.m., e.d.t., February 13, 1978, shall be accepted.

To reduce delay in implementing this process, grant application materials were sent to all section 303 grantees with programs for 1978. These grant application materials contained detailed information, instructions, and forms necessary for submitting YCCIP and YETP proposals, exclusive of the rating criteria contained herein.

Those section 303 grantees which intend to submit YCCIP and YETP grant applications, or both, are requested to notify both the Director, Office of Farmworker Programs, at the address previously cited, and the appropriate A-95 Clearinghouse by Standard Form 424 on or before February 3, 1978, so that appropriate arrangements may be made for prompt review of grant application.

Based upon proposals received from 303 grantees, the review panels will be using the following criteria to recommend those applicants to be awarded YCCIP and YETP grants.

A. *Program development.* Range 0-15 points. The program development factor is a rating of the proposed program's potential impact on the needs of youths and its fulfillment of the intent of the Youth Employment and Demonstration Projects Act (YEDPA). The rating will consider the following elements:

1. *Training.* The proposed program offers training, and/or work opportunities in a number of occupational categories. The effect of these training opportunities in enhancing the employability of youths must be clearly defined. Applicants are also responsible for defining and clarifying "meaningful work experience" if it is an activity in the proposal.

2. *Services.* The proposed program provides necessary supportive services to assist youth to participate in employment and training activities which will enhance their employability.

3. *Program impact.* The proposed program will directly impact on the problems and needs of youth in the particular target area. Applicants must describe how the proposed program will supplement and not substitute for services already being provided by the applicant to youth.

The highest rating of 15 shall be awarded to an organization which has adequately analyzed the economic situation of the target area and identified the social and economic needs of the youth population, and has developed a program based on this analysis and identification, which provides training and supportive services that can be successfully implemented within the existing target area economic and labor market situations to meet these needs.

B. *Delivery system.* Range 0-15 points. The delivery system factor is a rating of the applicant's system for delivering the comprehensive program services and its potential ability to provide effective and timely services to youth. This rating shall include the potential effectiveness of subgrantees in providing services specifically for farmworker youth.

Applicants must describe the relationship of the proposed delivery system to other employment and training delivery systems for youth within the target area.

The highest rating of 15 shall be awarded to an organization whose delivery system demonstrates efficient operation and whose subgrantees' (if any) delivery systems are coordinated with the applicant's into a functioning unit.

C. *Administrative capability.* Range 0-30 points. The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decision-making positions. This factor shall also consider administrative efficiency based on comparative administrative cost.

The applicant must provide complete descriptions of both its management information system (MIS) and self-assessment procedures. Since YEDPA will be funded for only 1 year, the applicant must clearly demonstrate its ability to provide services, to provide accurate and complete reports on the status of the youth program and conduct self-assessment surveys to identify internal problems in order to take the necessary corrective action to improve the quality of services to youth. The MIS description should identify how compiled program data will be analyzed and utilized by the

applicant to improve the program and to provide narrative and statistical program summaries.

Applicants must also describe the procedures followed to identify and select subgrantees which have demonstrated competence and merit at the local level.

The highest rating of 30 shall be awarded to organizations which can demonstrate the capability to administer efficiently multiactivity delivery system with comparatively low administrative costs.

D. *Responsiveness to youth.* Range 0-15 points. The responsiveness to youth factor is a rating of the organization's active and visible involvement of youth in its planning and the proposed involvement of youth in implementing its proposed program of services. The rating will also consider the sensitivity of the organization's present and proposed staff in program positions to the needs of youth.

The highest rating of 15 shall be awarded to organizations which clearly demonstrate that youth will be actively involved in the planning, review and implementation of youth programs.

E. *Linkages and coordination.* 0-15 points. The linkage and coordination factor is a rating of an organization's demonstrated and documented programmatic ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to youth. The highest rating of 15 shall be awarded to applicants which would operate programs incorporating services at less than, or at no cost to section 303 from other agencies for the purpose of providing manpower and other services to youth and whose funding request includes letters of commitment for these services.

F. *Experimentation and innovation.* Range 0-10 points. The experimentation and innovation factors is a rating of the organization's capability to adequately describe a concept to be tested by the proposed program design, to utilize appropriate data and rationale as a premise for any hypothesis and to develop procedures and measures for testing the hypothesis. Applicants must clarify the areas in which the proposed program is either experimental or innovative.

The highest rating of 10 shall be awarded to organizations which clearly define the programmatic areas of experimentation and the internal administrative mechanisms to be used to measure any hypothesis regarding the needs of youth.

Signed in Washington, D.C., this 18th day of January 1978.

LAMOND GODWIN,
Administrator, Office of National programs.

[FR Doc. 78-2390 Filed 1-26-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 3, 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 February 3, 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 11th day of January 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
A'Paree, Inc. (ILGWU)	Camden, N.J	Dec. 29, 1977.	Dec. 22, 1977.	TA-W-2,893	Ladies' dresses.
ASARCO, Inc., Tennessee Mines Division, New Market Mine (workers).	New Market, Tenn	do	Dec. 23, 1977.	TA-W-2,894	Mines zinc ore and mills it into zinc concentrate.
Benmax Sportswear Co. (ILGWU).	Ashbury Park, N.J	Dec. 22, 1977.	Dec. 15, 1977.	TA-W-2,895	Ladies' coats and suits.
Bliss & Laughlin Industries, Inc., Bliss & Laughlin Steel Co. Division (USWA).	Detroit, Mich	Dec. 19, 1977.	do	TA-W-2,896	Cold rolled finished steel bars.
Braemar Coat Co. (ILGWU).	Panorama City, Calif	Dec. 30, 1977.	Dec. 27, 1977.	TA-W-2,897	Ladies' coats.
Burlington Dress Co. (ILGWU).	Burlington, N.J	Dec. 27, 1977.	Dec. 22, 1977.	TA-W-2,898	Ladies' dresses and sportswear.
Dana-Marie Fashions, Inc. (workers).	Paterson, N.J	Dec. 22, 1977.	Dec. 19, 1977.	TA-W-2,899	Ladies' coats and ladies' and men's jackets.
Fay Sportswear (ILGWU)	Burlington, N.J	Dec. 27, 1977.	Dec. 22, 1977.	TA-W-2,900	Childrens' and ladies' sportswear.
Hilton Coat & Suit Co. (ILGWU).	do	Dec. 29, 1977.	do	TA-W-2,901	Ladies' separates and sportswear and outer-garments.
Jeans & Gauvin Pattern Co., Inc. (workers).	Haverhill, Mass	Dec. 19, 1977.	Dec. 14, 1977.	TA-W-2,902	Shoe patterns for men, women and children's shoes.
Julius & Sons, Inc. (workers)	Boston, Mass	Dec. 27, 1977.	Dec. 20, 1977.	TA-W-2,903	Leather coats, jackets and outerwear for men.
Keen Cast Manufacturing Corp. (IMAWU).	Griffith, Ind	Dec. 29, 1977.	Dec. 23, 1977.	TA-W-2,904	Grey iron castings used in heavy machinery.
Lorraine Handbags, Inc. (company).	Boston, Mass	Dec. 22, 1977.	Dec. 14, 1977.	TA-W-2,905	Ladies' leather handbags.
M. Hoffman Co., Inc. (workers).	do	Dec. 29, 1977.	Dec. 20, 1977.	TA-W-2,906	Blue jeans for men and women.

APPENDIX —Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Max Roth Leather Goods Corp. (workers).	New York, N.Y	Dec. 27, 1977.	do	TA-W-2,907	Plastic handbags.
National Can Corp. (USWA).	Lenexa, Kans	Dec. 28, 1977.	Dec. 19, 1977.	TA-W-2,908	Metal containers for beverages.
Norstan Industries, Inc. (workers).	New York, N.Y	Dec. 27, 1977.	Dec. 21, 1977.	TA-W-2,909	Main sales office of Norstan Industries, Inc. and pattern sample makers.
Owens-Illinois, Inc., Pittston plant (G.B.B.A.).	Pittston, Pa	Dec. 29, 1977.	Dec. 17, 1977.	TA-W-2,910	The panel part of color television picture tubes.
Personal Sportswear Division of Leslie Fay, Inc. (workers).	Boston, Mass	Dec. 22, 1977.	Dec. 16, 1977.	TA-W-2,911	Cut women's sportswear garments.
Shirely Willitt Co. (workers)	Dorchester, Mass	Dec. 19, 1977.	Dec. 14, 1977.	TA-W-2,912	Women's sportswear.
Supreme Pants Co. (workers).	Garfield, N.J	Dec. 22, 1977.	Dec. 19, 1977.	TA-W-2,913	Men's trousers.
Union Carbide Corp., Linde Division (workers).	East Chicago, Ind	Dec. 28, 1977.	Dec. 20, 1977.	TA-W-2,914	Oxygen, nitrogen and argon.
University Clothing Corp. (workers).	Cambridge, Mass	Dec. 22, 1977.	Dec. 22, 1977.	TA-W-2,915	Men's and womens' raincoats.
Victor Wraps, Inc. (ILGWU).	Camden, N.J	Dec. 29, 1977.	do	TA-W-2,916	Ladies' separate and evening apparel.
Way Manufacturing Co. (workers).	Rockland, Mass	Dec. 19, 1977.	Dec. 12, 1977.	TA-W-2,917	Women's sportswear.
Westinghouse Electric Corp. Lima Ohio plant—small motors division (IUE).	Lima, Ohio	Dec. 30, 1977.	Dec. 27, 1977.	TA-W-2,918	Fractional horsepower motors.

[FR Doc. 78-2002 Filed 1-26-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Apendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 3, 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 February 3, 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 January 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Al Tech Specialty Steel Corp., Dunkirk works (USWA).	Dunkirk, N.Y	Dec. 27, 1977.	Dec. 21, 1977.	TA-W-2,838	Stainless bars and shapes, specialty wire, and alloy wire.
Armco Steel Corp., Ashland works, steel group (USWA).	Ashland, Ky	Dec. 19, 1977.	Dec. 15, 1977.	TA-W-2,839	Basic carbon sheet, coil, blooms, and coated sheet and coil.
Boat Captain Bill (workers)	Provincetown, Mass	Dec. 14, 1977.	Dec. 13, 1977.	TA-W-2,840	Scalloping and trawling for cod, haddock, flatfish, and mackerel.
Chloride, Inc., Pyrotector division (workers).	Hingham, Mass	Dec. 16, 1977.	do	TA-W-2,841	Smoke and heat detectors.
Consolidated Rail Corp., Logansport subdivision of Fort Wayne division (workers).	Logansport, Ind	Dec. 15, 1977.	Dec. 6, 1977	TA-W-2,842	Keeps the railway tracks clear and in good operating condition.
Eggie Motor Co., Inc. (workers).	Oaklyn, N.J	Dec. 14, 1977.	Dec. 5, 1977	TA-W-2,843	Selling American Motors new cars.
Ingersoll Steel Co. (workers)	New Castle, Ind	Dec. 13, 1977.	Dec. 9, 1977	TA-W-2,844	Stainless plate steel, plow steel, saw steel, forgings ingots.
J & T Sportswear, Inc. (workers).	Quincy, Mass	Dec. 15, 1977.	Dec. 12, 1977.	TA-W-2,845	Women's sportswear.
N L Industries, Inc. titanium pigment division (workers).	South Amboy, N.J	Dec. 12, 1977.	Dec. 6, 1977	TA-W-2,846	Titanium dioxide pigment.
Olin Corp., fine paper and film group, endless belt department (United Paperworkers International).	Pisgah Forest, N.C	Dec. 15, 1977.	Dec. 1, 1977	TA-W-2,847	Woven textile conveyor belts used in the tobacco industry.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Raider II (company)	Provincetown, Mass	Dec. 14, 1977.	Dec. 13, 1977.	TA-W-2,848	The catching and selling of fish.
Union Railroad Co. (Brotherhood of Locomotive Engineers Union).	East Pittsburgh, Pa	do	Dec. 9, 1977...	TA-W-2,849	Transporting of raw materials into U.S. Steel Corp. plants interplant moves and finished products from the plants to interchange points.
U.S. Steel Corp., corporate headquarters (workers).	Pittsburgh, Pa.	Dec. 15, 1977.	Dec. 12, 1977.	TA-W-2,850	Corporate headquarters employees.
Zerda (workers)	Provincetown, Mass	Dec. 14, 1977.	Dec. 13, 1977.	TA-W-2,851	Scalloping of fish.

[FR Doc. 78-2002 Filed 1-26-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 3, 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 February 3, 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 9th day of January 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
Anthracite Overall Manufacturing Co., Inc. (ACTWU).	Scranton, Pa	Dec. 19, 1977.	Dec. 13, 1977.	TA-W-2,867	Men's work pants.
Armco Steel Corp. (USWA)...	La Halva, Calif	do	Dec. 15, 1977.	TA-W-2,868	Warehousing of Armco Steel Corp. finished products.
Do	South Bend, Ind	do	do	TA-W-2,869	Drainage products and high guard rails.
Do	Memphis, Tenn	do	do	TA-W-2,870	Do.
Do	Fairbanks, Tex	do	do	TA-W-2,871	Do.
Do	Davis, Calif	do	do	TA-W-2,872	Do.
Baltimore & Ohio RR. (workers).	Benwood, W. Va	do	Dec. 9, 1977...	TA-W-2,873	Transporting of commodities and material for Wheeling Pittsburg Steel.
Bethlehem Steel Corp., Burns Harbor plant (USWA).	Chesterton, Ind	do	Dec. 15, 1977.	TA-W-2,874	Steel reinforcing bar steel posts, and other small steel shapes.
Bristol Fashions, Inc. (workers).	Bristol, RI	Dec. 20, 1977.	Dec. 16, 1977.	TA-W-2,875	Ladies' sportswear.
Clemo Coat Co. (ILGWU)	Clementon, NJ	Dec. 12, 1977.	Dec. 9, 1977...	TA-W-2,876	Children's garments.
Hennoch Manufacturing Contracting Corp. (workers).	East Elmhurst, NY	Dec. 20, 1977.	Dec. 14, 1977.	TA-W-2,877	Ladies' and juniors' knitted tops.
Jones & Laughlin Steel Corp., Cleveland Works (USWA).	Cleveland, Ohio	Dec. 19, 1977.	Dec. 15, 1977.	TA-W-2,878	Cold rolled sheets and steel for the auto industry.
Jones & Laughlin Steel Service Centers (USWA).	Chicago, Ill	do	do	TA-W-2,879	Minor processing and handle orders less than mill orders: serve distributors in their local area.
Do	Glenshaw, Pa	do	do	TA-W-2,880	Do.
Do	Indianapolis, Ind	do	do	TA-W-2,881	Do.
Do	Lancaster, Pa	do	do	TA-W-2,882	Do.
Do	Memphis, Tenn	do	do	TA-W-2,883	Do.
Do	Nashville, Tenn	do	do	TA-W-2,884	Do.
Kensco Communications, Inc. (company).	Quincy, Mass	do	do	TA-W-2,885	Distributor/retailer of 2-way citizens' band radios.
Mirando Manufacturing Co., Inc. (workers).	Elizabeth, NJ	Dec. 12, 1977.	Dec. 7, 1977...	TA-W-2,886	Men's and boys' jackets.
Northeastern Steel & Wire Co. (USWA).	Sterling and Rock Falls, Ill..	Dec. 19, 1977.	Dec. 15, 1977.	TA-W-2,887	Structural products, bar products, rods and wire and other wire products.
National Supply Co. (USWA).	Gainesville, Tex	do	do	TA-W-2,888	Triplex pumps, slush pumps, converters and cranes.
Do	Houston, Tex	do	do	TA-W-2,889	Wellhead control equipment.
Do	Los Nietos, Calif	do	do	TA-W-2,890	Oil drilling pumps.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ranchers Exploration & Development Corp., Bluebird Mine (workers).	Miami, Ariz.	do	Dec. 14, 1977.	TA-W-2,891	The mining of copper, then copper cathodes are produced by the electrowinning process.
U.S. Steel Corp., Trenton plant (USWA).	Trenton, NJ	do	Dec. 15, 1977.	TA-W-2,892	Fabricating shop and warehouse for materials produced elsewhere by U.S. Steel.

[FR Doc. 78-2003 Filed 1-26-78; 8:45 am]

[4510-27]

Wage and Hour Division

FIRE PROTECTION AND LAW ENFORCEMENT EMPLOYEES OF PUBLIC AGENCIES

Study of Average Number of Hours Worked

AGENCY: Employment Standards Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor is required by the Fair Labor Standards Amendments of 1974 to conduct a study of the average number of hours in tours of duty worked by fire protection and law enforcement personnel employed by public agencies. The study was to have been completed and the results to have been published by January 1, 1978, but as a result of unexpected delays the study has not yet been concluded. Accordingly, until the study is done and the results have been published, public agencies availing themselves of the partial overtime exemption for law enforcement and fire protection employees in the Fair Labor Standards Act shall continue to compensate such employees at premium overtime rates for tours of duty in excess of 216 hours in a work period of 28 consecutive days. Where such employees have work periods of less than 28 days (but more than 7 days), premium overtime compensation shall be paid for tours of duty which in the aggregate exceed a correspondingly lower number of hours.

DATE: This notice takes effect January 1, 1978, and remains in effect until the results of the study of average number of hours are published in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, 200 Constitution Avenue NW., Room S-3508, Washington, D.C. 20210, telephone 202-523-7043.

SUPPLEMENTARY INFORMATION:

Section 7(k) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 201, et seq.) provides, effective January 1, 1978, as follows:

> No public agency shall be deemed to have violated [the normal 40-hour overtime standard of the Act] with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if—
>
> (1) In a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed the lesser of (A) 216 hours, or (B) the average number of hours (as determined by the Secretary pursuant to section 6(c)(3) of the Fair Labor Standards Amendments of 1974) in tours of duty of employees engaged in such activities in work periods of 28 consecutive days in calendar year 1975; or
>
> (2) In the case of such an employee to whom a work period of at least 7 but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 216 hours (or if lower, the number of hours referred to in clause (B) of paragraph (1)) bears to 28 days, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

The study referred to in section 7(k) is described in section 6(c)(3) of the Fair Labor Standards Amendments of 1974:

> The Secretary of Labor shall in the calendar year beginning January 1, 1976, conduct: (A) A study of the average number of hours in tours of duty in work periods in the preceding calendar year of employees (other than employees exempt from section 7 of the Fair Labor Standards Act of 1938 by section 13(b)(20) of such Act) of public agencies who are employed in fire protection activities, and (B) a study of the average number of hours in tours of duty in work periods in the preceding calendar year of employees (other than employees exempt from section 7 of the Fair Labor Standards Act of 1938 by section 13(b)(20) of such Act) of public agencies who are employed in law enforcement activities (including security personnel in correctional institutions). The Secretary shall publish the results of each such study in the FEDERAL REGISTER.

The Fair Labor Standards Act wage and hour survey, which is being conducted pursuant to section 6(c)(3) of the 1974 amendments, is in the process of being concluded. Until this survey is concluded and the results thereof are published in the FEDERAL REGISTER, public agencies availing themselves of the exemption provided by section 7(k) of the Fair Labor Standards Act, shall continue to compensate affected employees at a rate of not less than 1½ times their regular rates of pay for all hours worked in excess of 216 in a work period of 28 consecutive days. For those employees who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required until the ratio between the number of days in the work period and the hours worked during such work period exceeds the ratio between a work period of 28 days and 216 hours (7.71429), at which point all additional hours are paid for at 1½ times the employees' regular rates of pay. This is the same standard which has been in effect since January 1, 1977.

"Public agency" is defined in section 3(x) of the Fair Labor Standards Act as "the government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service or Postal Rate Commission), a State, or a political subdivision of a State; or any interstate governmental agency." In *National League of Cities* v. *Usery*, 426 U.S. 833 (1976), the Supreme Court held that the minimum wage and overtime compensation provisions of the Fair Labor Standards Act cannot constitutionally be applied to State and local governmental employees engaged in areas of traditional governmental functions. The Court specifically mentioned fire prevention and police protection as being traditional governmental functions. To the extent that this ruling affects the overtime provisions as described in this notice, those provisions no longer apply.

Signed at Washington, D.C., on this 19th day of January 1978.

XAVIER M. VELA,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 78-2394 Filed 1-26-78; 8:45 am]

[3510-12]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

JANUARY 24, 1978.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5, U.S.C. App I (Supp V, 1975), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Thursday and Friday, February 16-17, 1978. These sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C., beginning at 9 a.m. on both days.

The Committee, consisting of 18 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The agenda will include the following topics:

FEBRUARY 16, 1978

0900 Opening Remarks
0915 Commissioning Ceremony and Welcoming Remarks—Honorable Sidney Harman, Under Secretary of Commerce. Congressman John Murphy, Chairman, House Merchant Marine and Fisheries Committee. Dr. Frank Press, Science Advisor to the President and Director, Office of Science and Technology Policy.
1000 Break (members will be photographed for building passes in Room 2830B).
1030 Work and Views of Other Advisory Bodies—Mr. Harlan Cleveland, Director, Program in International Affairs, Aspen Institute of Humanistic Studies; Chairman, Department of Commerce Weather Modifications Advisory Board. Dr. Thomas F. Malone, Director, Holcomb Research Institute, Butler University; Member, Weather Modification Advisory Board. Mr. John Hussey, Director, Public Relations-Government Affairs, Monsanto Company; Chairman, NOAA Coastal Zone Management Advisory Committee.
1200 Lunch.
1400 Implementing the National Marine Fishery and Conservation Act of 1976—Mrs. Patsy Mink, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State. Mr. Robert Schoning, Director, National Marine Fisheries Service, NOAA.
1500 The National Oceanic and Atmospheric Administration—Mr. Richard A. Frank, Administrator, NOAA
1545 NACOA Plans—Chairman.
1700 Adjourn.

FEBRUARY 17, 1978

0900 Opening Remarks.
0905 The U.S. Coast Guard—Rear Admiral Raymond Wood, Chief, Office of Public and International Affairs.
1000 Organizing for Natural Resources Management—Mr. William Harsch, Deputy Associate Director, Natural Resources/Environment Division, President's Reorganization Project.
1045 NACOA Work Session.
1600 Adjourn.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW. (Room 434, PG No. 1), Washington, D.C. 20235. The telephone number is 254-8418.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 78-2441 Filed 1-26-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, February 10 and on Saturday, February 11, 1978. The meeting will be held on Friday from 9 a.m. until 5 p.m., and on Saturday from 9:30 a.m. until 1 p.m. The two-day meeting will be held at 425 13th Street NW., suite 1012, Washington, D.C. 20004.

The National Advisory council on the Education of Disadvantaged children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting is for Council to review and adopt the final draft Annual and special reports; discuss details for upcoming visits to Puerto Rico and San Diego, Calif.; and, plan further activities of Council.

Because of limited space, all persons wishing to attend should call for reservations by February 6, 1978, area code 202-724-0114.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged children, located at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on January 24, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-2340 Filed 1-26-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-21]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA foreign licensing regulations, 14 CFR 1245.405(e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Co., Tokyo, Japan, a limited, exclusive patent license in Japan for the four NASA-owned inventions covered by the Japanese counterparts of: (1) U.S. Application Serial No. 760,795 for "Detection of Microbial Infection in Blood and Antibiotic Determinations," filed by NASA on January 19, 1977; (2) U.S. Application Serial No. 807,762 for "Boron Trifluoride Coatings for Thermoplastic Materials," filed by NASA on June 17, 1977; (3) U.S. Application Serial No. 814,005 for "Multilevel Metallization Method for Fabricating a Metal Oxide Semiconductor Device," filed by NASA on July 8, 1977; and (4) U.S. Application Serial No. 752,748 for "Polymeric Electrolytic Hygrometer," filed by NASA on December 21, 1976. Copies of the above U.S. patent applications can be purchased from the Na-

tional Technical Information Services, Springfield, Va. 22161, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP-4, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: January 20, 1978.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc. 78-2314 Filed 1-26-78; 8:45 am]

[7510-01]

[Notice 78-1]

SUPERCRITICAL WING PATENTS

Patent Licensing Plan

Notice is hereby given that the National Aeronautics and Space Administration (NASA) has adopted a patent licensing plan for the supercritical wing invention covered by the United States and foreign patents held by NASA on behalf of the United States of America. The intent to adopt this patent licensing plan for this invention was previously announced in the FEDERAL REGISTER of February 14, 1977 (42 FR 9066).

The invention to be licensed under this plan is entitled "Airfoil Shape for Flight at Subsonic Speeds" and is covered by U.S. Patent No. 3,952,971, which was issued to NASA on April 27, 1976. The invention was made by Dr. Richard T. Whitcomb, an employee of the NASA Langley Research Center, Hampton, Va. NASA also has patents for the invention in Canada (Patent No. 953,699, issued August 27, 1974); France (Patent No. 72-39755, issued July 18, 1977); Great Britain (Patent No. 1,406,826, issued January 14, 1976); Australia (Patent No. 474,789, issued November 12, 1976); Israel (Patent No. 40,766, issued September 26, 1975); and Italy (Patent No. 975,491, issued July 20, 1974). Applications for patent are currently pending in Netherlands, West Germany, Sweden and Japan.

The patented invention pertains to an airfoil shape for flight at subsonic speeds above the critical Mach number in a range of Mach 0.7 to Mach 1.0. The supercritical airfoil greatly increases the options available to the aeronautical designer for increasing speed and/or efficiency and for reducing weight and noise in the aircraft.

The patent licenses for the manufacture and sale of aircraft employing this patented airfoil will be granted pursuant to the authority contained in the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(g)) as implemented by the NASA Domestic Patent Licensing Regulations (14 CFR 1245.2) and the NASA Foreign Patent Licensing Regulations (14 CFR 1245.4).

The basic features of the plan are as follows:

LICENSES UNDER THE U.S. PATENT

NASA will grant non-exclusive royalty-free licenses under the U.S. patent for the manufacture of the patented invention in the United States. Any such license will include a royalty-free license for the licensee to sell the invention in the United States and under the patents in each foreign country in which NASA holds a patent.

LICENSES UNDER FOREIGN PATENTS

Under applicable international agreements for the interchange of patent rights for defense purposes, participating Governments are entitled to use the invention for defense purposes without cost. NASA will grant nonexclusive, royalty-bearing licenses under its foreign patents for the manufacture of the invention in foreign countries for all other purposes. Any such royalty-bearing license to manufacture the invention under a foreign patent will include the granting of a license under all of the patents, without the payment of any additional royalties, to sell the invention in all countries in which NASA holds a patent, including the United States.

ENFORCEMENT OF THE PATENTS

NASA intends to enforce its patent rights with respect to any unlicensed manufacture and/or sale of the invention in any country in which NASA holds a patent. NASA will, however, as appropriate, grant nonexclusive royalty-bearing licenses to unlicensed manufacturers of the invention for the sale of the invention in any country in which NASA holds a patent on the invention.

Inquiries and request for additional information concerning the licensing plan for this invention should be addressed to the Assistant General Counsel for Patent Matters, Code GP, NASA Headquarters, Washington, D.C. 20546. Upon request, NASA will provide detailed information and application forms to be used in applying for a license for this invention.

Dated: January 19, 1978.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc. 78-2091 Filed 1-16-78; 8:45 am]

[7510-01]

[Notice (78-3)]

NASA ADVISORY COUNCIL (NAC) LIFE SCIENCES COMMITTEE

Meeting

The NAC Life Sciences Committee will meet on February 15-17, 1978, Ames Research Center (ARC), Moffett Field, Calif. 94035. The meeting will be held in Room B-39 of the Life Sciences Building Number 239. Members of the public will be admitted on a first-come first-served basis, up to the seating capacity of the room, which is about 80 persons.

The NAC Life Sciences Committee serves in an advisory capacity only. In this capacity, it is concerned with man in relation to space travel, with exobiology, and with other life forms. Its academic interests include: Physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, plant biology nutrition and food technology, exobiology, biology of gravity and rhythms, ecology and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 16 members.

The following list sets forth the approved agenda. For further information, please contact Dr. S. P. Vinograd, area code 202-755-3723, NASA Headquarters, Washington, D.C. 20546.

FEBRUARY 15, 1978

Time and Topic

0800-0820—Administrative. To inform the Committee members of views and comments of the Chairman on intervening events, actions, and anticipated requirements, approve the minutes of the last meeting, and carry out Committee business.

0820-1700—Committee Work. Preparation of Committee document containing its recommendations to NASA on future directions for the Life Sciences.

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0800-1300—Committee Work. (Continued.)

1300-1330—Overview of ARC Life Sciences Programs. To brief the Committee on the Life Sciences activities at ARC. The remainder of the day and half of the following morning will consist of briefings on specific research projects at ARC.

1330-1400—Autogenic Training for Vestibular Symptomatology.

1400-1430—Neuro-hormonal Regulation of Fluid and Electrolyte Balance.

1430-1500—Studies of Bone Metabolism.

1500-1530—Data on Female Bed Rest Studies.

1530-1600—Flight Hardware for Animal Investigations on Shuttle.

1600-1730—Tour of the Facilities.

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0800-0830—Animal Motion Sickness Studies.

0830-0900—Head-Up Displays for Aircraft.

0900-0930—Computer Graphic Modeling of Protein-Nucleic Acid Interaction.

0930-1000—Stable Isotope Organic Geochemistry.

1010-1100—NASA Life Sciences Overview: Briefing by the NASA Director for Life Sciences on events, progress, issues and status of the program.

1100-1130—Closed Ecological Life Support System (CELSS). To report the intervening progress of this effort; to discuss the final report of the summer study on this subject held at ARC the summer of 1977.

1130-1200—Kennedy Space Center Ecology Studies.

1200-1230—Spacelab I Biomedical Experiments.
1330-1600—Committee Work: Continuation of preparation of the Committee document.

KENNETH R. CHAPMAN,
Associate Administrator for External Relations.

JANUARY 24, 1978.

[FR Doc. 78-2315 Filed 1-26-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY COUNCIL TASK GROUP NO. 2

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

TASK GROUP NO. 2 OF THE NSF ADVISORY COUNCIL

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Date: February 15, 1978.
Time: 9 a.m. to 5 p.m.
Type of Meeting: Open.
Contact Person: Ms. Margaret L. Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street NW., Washington, D.C. 20550, telephone 202-632-4384.
Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary Minutes: May be obtained from the Committee management Coordinator, Division of Personnel and Management, National Science Foundation, Room 248, 1800 G Street NW., Washington, D.C. 20550.
Agenda: To identify and review the ways non-scientists now participate in the formation of the Nation's science policy, the present arrangements for involving the public in the development of Foundation policies, and suggest possible new approaches or improvements in NSF practices.

Dated: January 24, 1978.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc. 78-2322 Filed 1-26-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON DEVELOPMENTAL BIOLOGY OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR AND MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON DEVELOPMENTAL BIOLOGY OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR AND MOLECULAR BIOLOGY

Date and time: February 12, 13, and 14, 1978—9 a.m. to 5 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Mary Clutter, Program Director for Developmental Biology, Room 326, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4314.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in developmental biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 24, 1978.

[FR Doc. 78-2320 Filed 1-26-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON MOLECULAR BIOLOGY, GROUP A

Rescheduled Meeting

On January 13, 1978, the Notice of Meeting was published in the FEDERAL REGISTER, FR Document 78-977, for Group A of the Subcommittee on Molecular Biology meeting to be held on January 30 and 31, 1978. The meeting has been rescheduled for February 13 and 14 in Room 323.

There are no other changes to the notice.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 24, 1978.

[FR Doc. 78-2319 Filed 1-26-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON SENSORY PHYSIOLOGY AND PERCEPTION

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON SENSORY PHYSIOLOGY AND PERCEPTION OF THE ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES.

Date and Time: February 13 and 14, 1978, 9 A.M. to 5 P.M. each day.
Place: Room ——, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Sherman L. Guth, Program Director, Sensory Physiology and Perception Program, room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-634-1624.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Sensory Physiology and Perception.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JANUARY 24, 1978.

[FR Doc. 78-2321 Filed 1-26-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-13 and 50-99]

BABCOCK AND WILCOX CO.

Request for Approval of Transfer of Licenses

Notice is hereby given that by letter dated January 20, 1978, J. Ray McDermott & Co., Inc. (McDermott), and the Babcock & Wilcox Co. (B&W), requested the Nuclear Regulatory Commission (the Commission), pursuant to 10 CFR § 50.80 of the Commission's regulations, to approve the transfer of Facility License Nos. R-47 (Docket 50-99) and CX-10 (Docket 50-13) to a subsidiary of McDermott (which will also be named the Babcock & Wilcox Co.), effective upon the merger of B&W into McDermott.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Dated at Bethesda, Md., this 25th day of January 1978.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Operating Reactors.

[FR Doc. 78-2534 Filed 1-26-78; 10:26 am]

[7590-01]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications to reflect an extension of the Fort Calhoun Station Unit No. 1 exclusion area boundary.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 8, 1977, (2) Amendment No. 36 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 20th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-2292 Filed 1-26-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 32 and 36 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Co. and Wisconsin Michigan Power Co., which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wis. The amendments are effective as of the date of issuance.

These amendments consist of changes in the Technical Specifications that incorporate the Fire Protection System into the Limiting Conditions for Operation, Surveillance Requirements and Administrative Controls.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 28, 1977 as revised by letters dated October 5 and December 12, 1977, (2) Amendment No. 32 to License DPR-24, (3) Amendment No. 36 to License DPR-27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. and at the University of Wisconsin-Stevens Point Library, Attention: Mr. Arthur M. Fish, Stevens Point, Wis. 54481. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc. 78-2293 Filed 1-26-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Date: February 14 and 15, 1978.
Time: 9 a.m. to 4 p.m.
Place: Room 3104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500.
Type of meeting: Open.
Contact person: Dr. William P. Raney, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-5636.
Summary minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.
Purpose of advisory committee: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.
Agenda: 9 a.m. to 4 p.m.—Working meeting. Editing and redrafting of working papers.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc. 78-2395 Filed 1-26-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 14396; SR-MSE-77-41]

MIDWEST STOCK EXCHANGE, INC.
Order Approving Proposed Rule Change

JANUARY 20, 1978.

On October 27, 1978, the Midwest Stock Exchange, Inc. ("MSE") 120 South LaSalle Street, Chicago, Ill. 60603, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change which would amend Article XXXIV, Rule 3 of the MSE Rules to establish a minimum percentage-of-volume trading requirement (calculated quarterly) with respect to any registered market maker's transactions on the MSE stock floor in securities in which a registered market maker has been assigned.[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. 14158 (November 9, 1977)), and by publication in the FEDERAL REGISTER (42 FR 60032 (November 23, 1977)). 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 made available to the public at the Commission's Public Reference Room (File No. SR-MSE-77-41).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is 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. 78-2291 Filed 1-26-78; 8:45 am]

[1] Pursuant to guidelines established by the MSE's Floor Procedure Committee, a registered market maker or a specialist must quote a two-sided market in each assigned issue. As to any such quotation, one side is required to be equal to or better than the current market in that issue in the New York market.

[1505-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1361]

IDAHO

Declaration of Disaster Loan

Correction

In FR Doc. 78-1380 appearing on page 2682 in the issue of Wednesday, January 18, 1978, the numeral in small type in the heading should read as written above.

[8025-01]

[Declaration of Disaster Loan Area #1420]

KANSAS

Declaration of Disaster Loan Area

The first block of South Broadway, in the city of Louisburg, Miami County, Kans., constitutes a disaster area because of damage resulting from a fire which occurred on November 26, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 23, 1978, and for economic injury until the close of business on October 20, 1978, at:

Small Business Administration, District Office, 12 Grand Building, fifth floor, 1150 Grand Avenue, Kansas City, Mo. 64106, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 590023 and 59008.)

Dated: January 20, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-2373 Filed 1-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1414, Amdt.]

OREGON

Declaration of Disaster Loan Area

The above numbered Declaration (See 43 F.R. 2282) is amended by adding Multnomah County and adjacent counties within the State of Oregon, and extending the filing date for physical damage until the close of business on March 13, 1978, and for ecomonic injury until the close of business on October 9, 1978.

Dated: January 18, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-2294 Filed 1-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1419]

RHODE ISLAND

Declaration of Disaster Loan Area

Kent and Providence Counties and adjacent counties within the State of Rhode Island constitute a disaster area as a result of damage caused by flooding and wind which occurred on January 9, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 20, 1978, and for economic injury until the close of business on October 19, 1978 at:

Small Business Administration, District Office, 57 Eddy Street, Providence, R.I. 02903.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 19, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-2295 Filed 1-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1378; Amdt. 2]

TENNESSEE

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 F.R. 54897, October 11, 1977) and Amendment No. 1 (see 42 F.R. 64753, December 28, 1977) are amended by adding Gibson County and adjacent counties within the State of Tennessee. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 30, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-2308 Filed 1-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1411; Amdt. 2]

WASHINGTON

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 64657), and Amendment No. 1 (see 43 FR 2251), are amended by adding the city of Bingen (located in Klickitat County), and Whitman County, and adjacent counties within the State of Washington, and the time for filing applications is extended to March 16, 1978, for physical damage

and October 16, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 18, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-2296 Filed 1-26-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR THE REPUBLIC OF BOTSWANA

Information for Investors

The Agency for International Development (AID) has authorized a guaranty of a loan in an amount not to exceed $2,600,000 to finance housing projects in the Rebublic of Botswana. The Republic of Botswana (borrower) desires to receive proposals from eligible investors, as defined below, describing the terms and conditions upon which the investors will be willing to make this loan to the borrower. The full repayment of the loan will be guaranteed by AID. The AID guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 221 of the Foreign Assistance Act of 1961, as amended (the Act). The eligible investor and the terms of the loan must be acceptable to AID and disbursements of the loan will be subject to certain conditions required of the borrower by AID. This project is referred to as project No. 633-HG-001.

Eligible investors are invited to consult promptly with the borrower and submit proposals for an AID-guaranteed loan for the project. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address:

Botswana Embassy, 4301 Connecticut Avenue NW., Washington, D.C. 20008,

or

Permanent Secretary, Ministry of Finance and Development Planning, Private Bag 008, Gaborone, Botswana.

Copies of correspondence to one should be sent to the other.

Investors eligible to receive and AID guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by AID.

The borrower projects a schedule of disbursements covering approximately 24 months (or other period to be negotiated) from the date of the loan agreement, the first disbursement to be approximately July or August 1978, and prospective investors should consider this in proposing a guaranteed loan to the borrower. In addition, in the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the borrower.

Information as to the eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523, telephone 202-632-9637.

This notice is not an offer by AID or by the borrower. The borrower and not AID will select an investor and negotiate the terms of the proposed loan. Negotiations are expected to take place approximately April or May 1978.

Prospective investors are requested to submit offers to the borrower by March 15, 1978.

Dated: January 11, 1978.

PETER M. KIMM,
Director,
Office of Housing.

[FR Doc. 78-2316 Filed 1-26-78; 8:45 am]

[4710-02]

JOINT COMMITTEE ON AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the seventh meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on February 13-15, 1978.

The purpose of this meeting is to receive a progress report on the development of criteria for university inclusion on the roster; to receive a progress report on baseline studies; to review the status of Title XII projects in Asia, Africa, Latin America, and the Near East; and to consider other business brought before the Committee.

The meeting on February 13, 1978, will convene in Regional Work Groups (RWGs): Africa RWG at 9:30 a.m. in Room 2497, New State Department Building; Asia RWG at 10 a.m. in Room 609, Rosslyn Plaza Building, 1601 N. Kent Street, Rosslyn, Va.; Latin America RWG at 3 p.m. in Room 2248, New State Department Building; and Near East RWG at 1:30 p.m. in Room 6484, New State Department Building. The meeting on February 14 and 15, 1978, will convene from 9 a.m. to 5 p.m. at the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. Room designation will be posted in the lobby of the Quality Inn. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy to the Associate Assistant Administrator, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: January 18, 1978.

FLETCHER E. RIGGS,
A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 78-2306 Filed 1-26-78; 8:45 am]

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the eighth meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on February 13, and 14, 1978.

The purpose of this meeting is to continue the priority assessment of Collaborative Research Support Programs (CRSP's); to hear program reports on CRSP planning contracts for small ruminants, sorghum/millet, aquaculture and nutrition; and to discuss the activities of the International Center for Living Aquatic Resource Management.

The meeting will begin at 9 a.m. and will adjourn at 4:30 p.m. on February 13, 1978, and will reconvene at 9 a.m. and adjourn at noon on February 14, 1978. The meeting on both days will be held in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Charles E. French, Research Coordinator, Development Support Bureau, is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9054.

Dated: January 18, 1978.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-2305 Filed 1-26-78; 8:45 am]

[4710-02]

RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a) (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on March 30-31, 1978, at the Pan American Health Organization Building, 23d Street and Virginia Avenue NW., Conference Room "C", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. central research funding in the field of food and nutrition and health and population. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 1601 N. Kent Street, Arlington, Va., 22209 or call area code 202-235-2243.

Dated: January 10, 1978.

ERVEN J. LONG,
A.I.D. Representative, Research Advisory Committee.

[FR Doc. 78-2303 Filed 1-26-78; 8:45 am]

[4710-01]

[Public Notice CM-816]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW; STUDY GROUP ON MARITIME LAW MATTERS

Meeting

A meeting of the Study Group on Maritime Law Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held at 10:30 a.m. on Wednesday, February 15, 1978, at the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The purpose of the meeting will be to consider the relationships of commodity values and commodity weights in connection with liability limit provisions in the Draft Convention on the Carriage of Goods By Sea.

Entrance to the Department of State building is controlled, and members of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Miss Dorothy Fagan, Office of the Legal Adviser, Department of state, prior to February 15, 1978. The telephone number is area code 202-632-8134.

Dated: January 17, 1978.

RICHARD D. KEARNEY,
Chairman.

[FR Doc. 78-2312 Filed 1-26-78; 8:45 am]

[4710-01]

[Public Notice CM-8/7]

SHIPPING COORDINATING COMMITTEE: SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea (SOLAS), a component of the Shipping Coordinating Committee (SHC), will conduct an open meeting at 1:30 p.m. on Thursday, February 16, 1978, in room 8442 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The meeting's purpose is to prepare position documents for the Nineteenth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London in the Autumn of 1978. In particular, the SOLAS Working Group will discuss the following topics:

Code of safety requirements for mobile offshore drilling units.

Operational standards for shipboard radio equipment.

Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft.

Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, U.S. Coast Guard (G-OTM/74), Washington, D.C. 20590, telephone area code 202-426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

JANUARY 18, 1978.

[FR Doc. 78-2313 Filed 1-26-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN FISH FROM CANADA

Initiation of Countervailing Duty Investigation and Preliminary Determination

AGENCY: Customs Service, United States Treasury.

ACTION: Initiation of Countervailing Duty Investigation and Preliminary Determination.

SUMMARY: This notice is to advise the public that a petition has been received and an investigation has been started for the purpose of determining whether or not benefits are granted by the Government of Canada to fishermen or processors which constitute a bounty or grant within the meaning of the countervailing duty statute. A preliminary determination that certain Canadian fish is being subsidized is being issued simultaneously. A final determination must be made not later than June 10, 1978.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on June 10, 1977, alleging that payments or bestowals conferred by the Government of Canada upon production or exportation of certain fish from Canada constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Fish imports covered by this investigation are classifiable under items

110.3570, 110.3575, 110.5025, 110.5030, 110.5045, 110.5050, 110.5065, 110.5520, 110.5550, 110.5565, 110.5570, 110.1585, 110.1589, 110.4710, 110.4726, 110.7033, 110.7039, 111.2200, 111.6400, 111.6800, Tariff Schedules of the United States Annotated (TSUSA).

The fish imports from Canada which are classifiable under items 110.1585, 110.1589, 110.4710, 110.4726, 110.7033, 110.7039, 111.2200, 111.6400, and 111.6811, TSUSA, are free of duty.

In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended, (19 U.S.C. 1301(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, or prevention of the establishment of an industry in the United States with regard to these duty-free imports.

It is noted that a final affirmative countervailing duty determination and a waiver of countervailing duty were published concurrently in the FEDERAL REGISTER of April 13, 1977 (42 FR 19327), with respect to certain dutiable fish from Canada classifiable under item numbers 110.3560, 110.3565, and 110.5545, Tariff Schedules of the United States Annotated.

In view of the information developed recently in connection with the countervailing duty investigation on other Canadian fish, it is deemed appropriate at this time to issue a preliminary determination pursuant to section 303(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), that bounties or grants are being paid or bestowed on the items subject to this investigation. Based on the information presently available, programs preliminarily determined to constitute a bounty or grant include: (1) Direct payments to fishermen and fish processors by the Federal Government under the Groundfish Temporary Assistance Bridging Program, which remains in effect for all groundfish except those items subject to waiver; (2) assistance to fishermen for the partial financing of vessel construction which program is presently funded; and (3) grants provided to the Newfoundland fishing industry by the Department of Regional Economic Assistance. The vessel construction assistance is preliminarily considered to constitute a bounty based on the *ad valorem* benefits involved derived from the previous investigation concluded April 1977, and the fact that a preponderance of Canada's fish production is exported. Regional incentive grants, while not at this stage quantified, would be considered preliminarily to constitute a bounty or grant since a preponderance of Canada's fish is exported.

A final decision in this case is required on or before June 10, 1978. Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before February 27, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan Number 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of treasury Department Order 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the initiation of a countervailing duty investigation and issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 23, 1978.

[FR Doc. 78-2304 Filed 1-26-78; 8:45 am]

[4510-35]

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 8]

LONDON GUARANTEE & ACCIDENT COMPANY OF NEW YORK

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to London Guarantee & Accident Company of New York, New York, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated this date.

The company was last listed as an acceptable surety on Federal bonds at 42 FR 34074 July 1, 1977.

With respect to any bonds currently in force with London Guarantee & Accident Company of New York, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: January 23, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc. 78-2369 Filed 1-27-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 576]

Assignment of Hearings

JANUARY 24, 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.

CORRECTION*

MC 115826 (Sub-No. 272), W. J. Digby, Inc., now being assigned February 28, 1978 (1 day) at Denver, Colo. in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2380 Filed 1-26-78; 8:45 am]

[7035-01]

[Notice No. 575]

ASSIGNMENT OF HEARINGS

JANUARY 24, 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.

CORRECTION[1]

FD 27972, Louisville and Nashville Railroad Co.—Trackage Rights—Over Grand Trunk Western Railroad Co., South Bend Subdivision, between Munster, Lake County, Indiana and Thornton Junction, Cook County, Ill., and FD 28464, Louisville and Nashville Railroad Co., Construction of

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*This notice corrects the date of the hearing as originally served.

[1]This notice corrects the location of hearing room and the city from Dalton, Ill. to Dolton, Ill.

Connecting Track Over Grand Trunk Western Railroad Co., at Munster, Lake County, Ind., now assigned March 6, 1978 at Dolton, Ill., and will be held at the Dolton Village Hall, Council Room, Dolton Municipal Center, 14014 Park Avenue.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2381 Filed 1-26-78; 8:45 am]

[7035-01]

[Notice No. 577]

ASSIGNMENT OF HEARINGS

JANUARY 24, 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 133095 (Sub 171), Texas Continental Express, Inc., now assigned January 26, 1978, at New Orleans, La., is cancelled and application dismissed.

MC 83539 (Sub 469), C & H Transportation Co., Inc., now assigned February 27, 1978, (1 day), in Room 609, Federal Office Bldg., 911 Walnut Street, Kansas City, Mo.

MC 138322 (Sub 5), BHY Trucking, Inc., now assigned March 22, 1978, at Los Angeles, Calif., is cancelled and application dismissed.

MC 121664 (Sub 23), G. A. Hornady, Cecil M. Hornady, and B. C. Hornady, d.b.a. Hornady Brothers Truck Line, now assigned February 2, 1978, for prehearing conference at Washington, D.C., is postponed to February 10, 1978, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 60987 (Sub 22), Arkin Truck Line, Inc., now being assigned April 4, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 114457 (Sub 317), Dart Transit Co., now being assigned April 5, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 103993 (Sub 879), Morgan Drive Away, Inc., now being assigned April 6, 1978 (2 days), at Chicago, Ill., in a hearing room to be later designated.

AB 1 (Sub 41), Chicago and North Western Transportation Co., abandonment, between Klevenville and Fennimore, including Lancaster Junction to Lancaster, Monfort Junction to Cuba City, and Ipswich to Platteville, in Dane, Iowa, Lafayette, and Grant Counties, Wis., now being assigned April 10, 1978 (1 week), at Dodgeville, Wis., in a hearing room to be later designated.

MC 117557 (Sub 23), Matson, Inc., now being assigned April 24, 1978 (1 week), at Chicago, Ill., in a hearing to be later designated.

AB 43 (Sub 43), Illinois Central Gulf Railroad Co., abandonment between Herscher and Barnes in Kankakee, Ford, Livingston and McLean Counties, Ill., now being assigned April 19, 1978 (3 days), at Bloomington, Ill., in a hearing room to be later designated.

MC 143749, Garwood Wrecker Service, now assigned March 22, 1978, at Kansas City, Mo., is cancelled and application dismissed.

MC 119702 (Sub 50), Stahly Cartage Co., now assigned April 12, 1978, at Kansas City, Mo., is cancelled and reassigned for April 12, 1978 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 136786 (Sub 113), Robco Transportation, Inc., now being assigned may 16, 1978 (2 weeks), at Des Moines, Iowa, June 13, 1978 (1 week), at Greensboro, N.C. and June 26, 2978 (3 days), at the Offices of the Interstate Commerce Commission in Washington, D.C. in hearing rooms to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2382 Filed 1-26-78; 8:45 am]

[7035-01]

[Finance Docket No. 28583 (Sub-No. 1); (Sub-No. 2)]

BURLINGTON NORTHERN INC.

Control and Merger—St. Louis-San Francisco Railway Co.; Securities

JANUARY 23, 1978.

Burlington Northern, Inc. (BN), 176 East Fifth Street, St. Paul, MN 55101, represented by Frank S. Farrell, Vice President—Law, and St. Louis-San Francisco Railway Co. (Frisco), 906 Olive Street, St. Louis, MO 63101, represented by Donald E. Engle, Vice President and General Counsel, hereby give notice that on December 28, 1977, they filed with the Interstate Commerce Commission at Washington, D.C., a joint application under section 5(2) of the Interstate Commerce Act (Act) for an order approving and authorizing the control of Frisco by BN and the merger of the Frisco into BN. This application has been accepted and assigned Finance Docket No. 28583 (Sub-No. 1). BN filed a concurrent application under section 20(a) of the Act seeking authorization to issue securities in connection with the merger transaction. On January 14, 1978, a related application was filed seeking authority under section 5(2) of the Act for the acquisition of control by BN of Frisco Transportation Co., a wholly-owned motor carrier subsidiary of the Frisco, notice of which is published separately in this edition of the FEDERAL REGISTER under Docket No. MC-F-13500.

If approved by the Commission, the Frisco will be merged into BN and Frisco's separate existence as a corporate entity will cease. The surviving company will be Burlington Northern, Inc., which will unify all present operations of Frisco and BN under common management. All properties of the Frisco will be under BN ownership. Under the terms of the merger agreement, in exchange for each outstanding share of Frisco common stock, BN will issue 0.95 share of BN common stock and one-half share of $2.125 no par value preferred stock, $25 redemption value.

Frisco owns and operates a 4,700 mile railroad system serving the following nine states: AL, AR, FL, KS, MS, MO, OK, TN, and TX. Principal routes include: Kansas City to Birmingham via Springfield, MO, and Memphis, TN; St. Louis to Dallas-Fort Worth via Springfield, MO, and Tulsa, OK; Kansas City to Tulsa via Fort Scott, KS; and St. Louis to Memphis via Cape Girardeau, MO. Other principal routes extend to Oklahoma City, Wichita, KS, Mobile, AL, and Pensacola, FL.

BN with its subsidiaries operates a 25,000 mile railroad system serving the states of CA, CO, ID, IL, IA, KS, KY, MN, MO, MT, NE, NM, ND, OR, SD, TX, WA, WI, WY, as well as the Canadian Provinces of British Columbia and Manitoba. Principal routes extend: from Chicago to Denver via Lincoln, NE; from Chicago to Seattle via the Twin Cities and Spokane; from Lincoln, NE, to Laurel, MT, via Alliance, NE; from Spokane to Portland; from Seattle to northern California via Portland and Wishram, WA; and from Denver to Houston.

The two principal points of interchange between BN and Frisco are St. Louis and Kansas City. It is proposed that present Frisco operations will be completely integrated into BN and that substantially all of the current Frisco railroad system will be operated as the Frisco Region of BN. No track construction or track abandonments are proposed in conjunction with the proposed merger.

Any person interested in filing an inconsistent application or petition for inclusion should file a notice of its intention to file same no later than March 13, 1978 (45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER). Original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Any traffic studies and data submitted shall relate to the calendar year January 1, 1976, to December 31, 1976. Any inconsistent applications and petitions for inclusion must be filed with the Commission by April 27, 1978.

Persons interested in filing an inconsistent application or petition for inclusion are further advised that they

should prepare a list of the information not otherwise available to them that will be necessary to complete the inconsistent application or petition for inclusion in accordance with section 1111.4(b)(4) or 1111.4(b)(5) of the Railroad Consolidation Procedures, 348 ICC 771, 816-817 (1977), and other discoverable matter which may be desired. This list should be submitted to BN and Frisco by February 27, 1978. BN and Frisco are directed to respond to those persons by March 14, 1978, specifically stating what information will be voluntarily supplied and what information will not be supplied, with reasons. Fifteen copies of the lists of requested information and the responses should be filed with the Commission when served.

On March 27, 1978, an initial prehearing conference will be conducted to discuss, among other things, disputes as to the production of information. Presiding at the conference will be Administrative Law Judge Paul J. Clerman, who has been designated to conduct the evidentiary portion of these proceedings. The conference will be at the offices of the Interstate Commerce Commission in Washington, D.C., commencing at 9:30 a.m.

Any interlocutory appeals from rulings by the Administrative Law Judge will be considered by Division 1, Commissioners Brown, Gresham, and Christian. By statute, the evidentiary phase of the proceedings must be concluded by January 25, 1980. The initial decision will be waived, and the determination of the merits of the applications will be made in the first instance by the entire Commission, pursuant to section 5(2)(g)(vi) of the Act, as amended.

Interested persons may participate formally in a proceeding may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceedings designation (F.D. No. 28583, Sub-No. 1), and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than March 13, 1978 (45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER). Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicants, the Secretary of Transportation, and the Attorney General.

By the Commission, Commissioner Christian not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2379 Filed 1-25-78; 10:01 am]

[7035-01]

[MC-F-13500]

BURLINGTON NORTHERN, INC.

Control-Frisco Transportation Co.

JANUARY 23, 1978.

No. MC-F-13500 BURLINGTON NORTHERN, INC. (BN), represented by Frank S. Farrell, vice president-law, 176 East Fifth Street, St. Paul, Minn. 55101, and ST. LOUIS-SAN FRANCISCO RAILWAY CO. (FRISCO), represented by Donald E. Engle, vice president & general counsel, 906 Olive Street, St. Louis, Mo. 63101, hereby give notice that on January 14, 1978, they filed with the Interstate Commerce Commission in Washington, D.C., a joint application under section 5(2) of the Interstate Commerce Act (Act) seeking authorization for BN to acquire control of Frisco Transportation Co. (TC), a wholly-owned motor carrier subsidiary of Frisco, through the purchase of all Frisco's issued and outstanding common stock. The application has been accepted by the Commission and assigned docket number MC-F-13500. The operating rights sought to be controlled include general commodity authority (with certain exceptions) and specified commodity authorities as a common carrier over regular and irregular routes between points in MO; MO and AR; KS and MO; MO and OK; AR; TN and MS; MS; OK; TX and OK; KS; IL and MO; AR and TN; and TX. Operations over some of these authorities is restricted to service which is auxiliary to, or supplemental of, the rail service. These rights are more fully described in No. MC-89913 and sub-numbers. BN and BN Transport, Inc., BN's wholly-owned subsidiary, hold motor common carrier authority in interstate and foreign commerce to transport general commodities (with certain exceptions), and specified commodities over both regular and irregular routes. Operations extend from IL on the east to WA and OR on the west. This includes service to points in the following states: CO, ID, IL, IN, IA, KS, MN, MO, MT, ME, ND, OR, WA, WI, and WY. Operations over some of these authorities is restricted to service which is auxiliary to, or supplemental of the rail service. These rights are more fully described in No. MC-28573 and sub-numbers and No. MC-63562 and sub-numbers. Applicants state that there is no duplication of motor carrier operating rights between BN or its subsidiary, BN Transport, Inc., and TC. Both applicants do provide motor carrier service to the common points of St. Louis and Kansas City, Mo. Application has not been filed for temporary authority under section 210a(b). This application is directly related to the merger and securities issuance applications filed by BN and FRISCO pursuant to sections 5(2) and 20a of the Act. Notice of these applications is published separately in this edition of the FEDERAL REGISTER under Finance Docket Nos. 28583 (Sub-Nos. 1 & 2). The time limits established for Finance Docket No. 28583 (Sub-Nos. 1 & 2) will be applied to this motor carrier application, and the cases shall be considered together.

By the Commission, Commissioner Christian not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2378 Filed 1-25-78; 10:01 am]

[7035-01]

ICC BEGINS MICROFILMING DOCKET FILES

JANUARY 25, 1978.

Effective February 1, 1978, all newly filed motor carrier applications for permanent operating authority and train abandonment applications will be placed on microfiche. A letter suffix "F" will be added to the docket numbers to distinquish newly filed (and therefore microfilmed) applications from existing application proceedings, which will continue to be maintained in hardcopy dockets. This will begin the Commission's program of placing and maintaining its public dockets on microfiche. The public dockets for the remaining types of Commission proceedings will be phased into the program in the future.

All correspondence, including protests and other filings, which relate to these dockets, must show the suffix "F" to assure proper handling by Commission staff. In addition, requests for copies of these dockets must specify whether hardcopy or microfiche is desired. Each microfiche, which contains up to 60 pages, will cost 10¢. The charge for hardcopy will remain 10¢ per page.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2387 Filed 1-26-78; 8:45 am]

[7035-01]

[Notice No. 7]

SPECIAL PROPERTY BROKERS

JANUARY 24, 1978.

The following applicants seek to participate in the property broker special

licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness on or before February 27, 1978. Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation March 13, 1978.

B-77-30, filed November 21, 1977. Applicant: SHORELINE INTERNATIONAL, INC., 12360 Lake City Way N.E., Seattle, Wash. 98125. Applicant's representative: Ed Casey, Evergreen Bldg., Suite, Renton, Wash. 98055.

B-77-34, filed December 14, 1977. Applicant: INTER-MARITIME FORWARDING CO., INC., One World Trade Center, New York, N.Y. 10048.

B-77-35, filed December 13, 1977. Applicant: SIDNEY S. SHAPIRO, d.b.a. SID SAMUELS ASSOCIATES, Hertage Bldg., Room 102, 383 North Kings Highway, Cherry Hill, N.J. 08034. Applicant's representative: Robert B. Einhorn, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, Pa. 19107.

B-77-36, filed December 22, 1977. Applicant: CONTRACT CARRIER CORP., 25 Thomas Avenue, Baltimore, Md. 21225. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014.

B-77-37, filed December 27, 1977. Applicant: M. G. MAHER & COMPANY, INC., 442 Canal Street, New Orleans, La. 70130. Applicant's representative: Paula L. Maher (Same address as applicant).

B-78-2, filed January 9, 1978. Applicant: MIDWEST CONTAINER SERVICES, INC., 14600 Detroit Avenue, Suite 432, Lakewood, Ohio 44107.

B-78-3, filed January 9, 1978. Applicant: TRANSCONEX, INC., 3000 Northwest 74th Avenue, Miami, Fla. 33152. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2383 Filed 1-26-78; 8:45 am]

[7035-01]

[Docket No. AB-9 (Sub-No. 7)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment Between Aliceville and Reform in Pickens County, Ala., 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 an order entered on November 29, 1977, a finding, which is administratively final, was made by the Commission, Review Board No. 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 I.C.C. 76 (1977); for public use as set forth in said order, and further, that the above condition shall not preclude the sale or donation of rail property and/or facilities to the Illinois Central Gulf Railroad Co. for the purposes of maintaining rail service to shippers located along the line to be abandoned, the present and future public convenience and necessity permit the abandonment by the St. Louis-San Francisco Railway Co. of its branch line extending from milepost RB-680.65 near Aliceville, Ala., to milepost RB-701.0 near Reform, Ala. A certificate of abandonment will be issued to the St. Louis-San Francisco Railway Co. based on the above-described finding of abandonment, February 27, 1978, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2384 Filed 1-26-78; 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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Securities and Exchange Commission	9, 10

[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 31, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Commission Quarterly Review: First Quarter, Fiscal Year 1978.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-199-78 Filed 1-25-78; 2:32 p.m.]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 p.m., January 31, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters, Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-200-78 Filed 1-25-78; 2:32 pm]

[6570-06]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 31, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Litigation Authorization; General Counsel Recommendations: Matters closed to the public under sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

Issued January 24, 1978.

[S-197-78 Filed 1-25-78; 11:04 am]

[6715-01]

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, February 1, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audits, compliance, personnel.

DATE AND TIME: Thursday, February 2, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public.

I. Future meetings.

II. Correction and approval of minutes.

III. Advisory opinions: AO 1977-34. AO 1977-49. AO 1977-52. AO 1977-68.

IV. Appropriations and budget—first quarter management report.

V. Candidate loans and expenditures.

VI. FOIA regulations.

VII. Pending legislation.

VIII. Pending litigation.

IX. Classification actions.

X. Liaison with other Federal agencies.

XI. Routine administrative matters.

Portions closed to the public (executive session): Any Audit, Compliance, or Personnel Matters continued from February 1, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, press officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-202-78 Filed 1-25-78; 3:17 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

NOTICE OF MEETING

JANUARY 24, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: January 24, 1978; approximately 6:15 p.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: Texas Eastern Transmission Corp., Docket No. RP78-32.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary, telephone 202-275-4166.

[S-198-78 Filed 1-25-78; 11:04 am]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

NOTICE OF MEETING

JANUARY 25, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: February 1, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, Telephone, 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 51ST MEETING, FEBRUARY 1, 1978, REGULAR MEETING

I. Electric Rate Matters:
ER-1.—Docket Nos. E-8641, E-8476, E-8251 and E-8169, New England Power Co.
ER-2.—Docket No. E-8570 (fuel clause), Southern California Edison Co.
ER-3.—Docket No. ER76-678, Maine Electric Power Co.
ER-4.—Docket No. ER76-587, Georgia Power Co.
ER-5.—Docket No. EL78-5, Pacific Gas & Electric Co.
II. Licensed Project Matters:
P-1.—Project No. 2292, Nekoosa Papers Inc.

POWER AGENDA, 51ST MEETING, FEBRUARY 1, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-159, Pacific Power & Light Co.
CAP-2.—Docket No. E-9604, Minnesota Power & Light Co.
CAP-3.—Project No. 2334, Western Massachusetts Electric Co.
CAP-4.—Lands Withdrawn in Project Nos. 1021, 1226, 1606 and 1722-Wyoming.
CAP-5.—Lands Withdrawn in Project No. 163-Colorado.
CAP-6.—Docket No. ER77-614, Union Electric Co.
CAP-7—(A) *Lousiana Power & Light Co.* v. *F.E.R.C.*, 5th Cir. No. 77-3452. (B) *Appalachian Power Co.* v. *F.E.R.C.*, D.C. Cir. No. 77-2004. (C) *Appalachian Power Co.* v. *F.E.R.C.*, D.C. Cir. No. 77-2005.

MISCELLANEOUS AGENDA, 51ST MEETING, FEBRUARY 1, 1978, REGULAR MEETING

M-1.—Docket No. ——, organization of the Commission establishment of suspension and valuation board; delegation of authority to suspension and valuation board.

GAS AGENDA, 51ST MEETING, FEBRUARY 1, 1978, REGULAR MEETING

I. Pipeline Rate Matters:
A. Pipeline Rates:
RP-1.—Docket No. RP73-97, Kentucky West Virginia Gas Co.
RP-2.—Docket N. RP76-99, Tennessee Natural Gas Lines, Inc.

II. Producer Matters:
A. Special Relief:
CI-1.—Docket No. RI76-147, Marshall Exploration, Inc.
CI-2.—Reserved.
CI-3.—Reserved.
CI-4.—Reserved.
B. Producer Certificates:
CI-5.—Docket No. CI77-412, Phillips Petroleum Co.
CI-6.—Docket Nos. CI75-586 and CI77-41, Mobil oil Corp.
III. Pipeline Certificate Matters:
A. Pipeline Certificates:
CP-1.—Docket No. CP77-527, Transcontinental Gas Pipe Line Corp.
CP-2.—Docket Nos. G-1350, G-17351, CP69-346, CP69-347, Pacific Gas Transmission Co.
CP-3(A) Docket No. CP77-363, Columbia Gas Transmission Corp. National Fuel Gas Supply Corp.
(B) Docket No. CP77-38, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., and National Fuel Gas Supply Corp.
(C) Docket No. CI76-432, Cabot Corp. Docket No. CP76-19, Columbia Transmission Corp. and the Syvania Corp. Docket No. CP76-361, Columbia Gas Transmission Corp.
CP-4.—Reserved.
CP-5.—Reserved.
B. Order No. 533 Authorizations: CP-6.—Docket No. CP78-38, Columbia Gas Transmission Corp. Docket No. CP78-65, Texas Eastern Transmission Corp. CP-7.—Docket No. CP76-181, Transcontinental Gas Pipe Line Corp. CP-8.—Reserved. CP-9.—Reserved. CP-10.—Reserved.
C. Liquefied Natural Gas: CP-11.—Docket No. CP71-264, Southern Energy Co. CP-12.—Docket No. CP71-68, Columbia LNG Corp. CP-13.—Reserved. CP-14.—Reserved. CP-15.—Reserved.
D. Synthetic Natural Gas:
CP-16.—Docket Nos. CP77-495, et al., Transcontinental Gas Pipe Line Corp.
CP-17.—Reserved.
CP-18.—Reserved.
CP-19.—Reserved.
E. Curtailment:
CP-20.—Docket No. RP75-62, Cities Service Gas Co.
IV. Oil Pipeline Matters:
OR-1.—Docket No. OR78- , (I.C.C. Docket No. NOR36217), *Department of Defense* v. *Interstate Storage & Pipeline Corp.*

GAS AGENDA, 51ST MEETING, FEBRUARY 1, 1978, REGULAR MEETING

CAG-1.—Docket No. CP77-522, Texas Eastern Transmission Corp. Transcontinental Gas Pipe Line Corp. Docket No. CP78-57, Texas Gas Pipe Line Corp.
CAG-2.—Docket No. CP76-350, Northwest Pipeline Corp.
CAG-3.—Docket No. CP78-62, Transwestern Pipeline Co.
CAG-4.—Docket No. CP78-64, Texas Eastern Transmission Corp.
CAG-5.—Docket No. CP78-63, Transwestern Pipeline Co.
CAG-6(A) City of Winfield, *Kansas* v. *F.E.R.C.*, D.C., Cir. No. 77-2118. (B) *Sebring Utilities Commission* v. *F.E.R.C.*, 5th Cir. No. 77-2911.

LOIS D. CASHELL,
Acting Secretary.

[S-203-78 Filed 1-25-78; 3:55 pm]

[6720-01]

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 14, Pg. 3010, Friday, January 20, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., January 25, 1978.

PLACE: 1700 G. Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING:

The following item has been added to the open portion of the meeting:
Appointment of Director, Office of Community Investment.
No. 129, January 20, 1978.

[S-194-78 Filed 1-25-78; 9:04 am]

[7910-01]

8

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR, January 23, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 31, 1978, 10 a.m.

CHANGE IN MEETING: Addition of Matter 9 to the previously announced agenda.

MATTER TO BE CONSIDERED: 9. Freedom of Information Act Appeal: Miller and Chevalier.

STATUS: Closed to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 25, 1978.

GOODWIN CHASE,
Chairman.

[S-201-78 Filed 1-25-78; 2:32 pm]

[8010-01]

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 2814, January 19, 1978.

CHANGES IN THE MEETING:

The following item will not be considered by the Commission at the open meeting scheduled for Wednesday, January 25, 1978, at 10 a.m.: Preliminary response to the recommendations submitted by the Advisory Committee on Corporate Disclosure.

The following item will be considered by the Commission at an open

meeting to be held on Thursday, January 26, 1978, at 9 a.m.: Issuance of a release setting forth the Commission's views as to those initiatives to be taken during the next year to facilitate the establishment of a national market system.

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the rescheduling of the above matters and that no earlier notice thereof was possible.

JANUARY 24, 1978.

[S-195-78 Filed 1-25-78; 9:04 am]

[8010-01]

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 30, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Open meetings will be held on Monday, January 30, 1978, at 4 p.m. and on Thursday, February 2, 1978, at 10 a.m. Closed meetings will be held on Tuesday, January 31, 1978, at 10 a.m., and immediately following the open meeting on Thursday, February 2, 1978.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the open meeting scheduled for Monday, January 30, 1978, at 4 p.m., will be: The Commission will meet with representatives of the Securities Industry Association to discuss current issues and developments of mutual concern.

The subject matter of the open meeting scheduled for Thursday, February 2, 1978, at 10 a.m., will be: 1. Issuance of a release which contains questions and interpretive responses relating to the disclosure of management remuneration.

2. Proposed transmittal of comments to the Office of Management and Budget ("OMB") expressing the views of the Commission on OMB's draft bill amending the Independent Offices Appropriations Act of 1952, which deals with fees charged by Federal agencies.

3. Proposed transmittal of comments to Congressman John M. Murphy, Chairman of the House Committee of Merchant Marine and Fisheries expressing the views of the Commission on H.R. 9819, Shipping Act Amendments of 1977, a bill intended to remedy the problems of rebating and other such malpractices.

4. Consideration of the extent to which Commission announcements are required to be included in the FEDERAL REGISTER and of suggestions for reducing the Commission's cost of such publications.

5. Proposed rule change filed by the National Association of Securities Dealers, Inc. concerning fee and assessment schedule for fiscal year 1978.

The subject matter of the closed meeting scheduled for Tuesday, January 31, 1978, at 10 a.m., will be: Referral of files to Federal, State or Self-Regulatory authorities.

Formal orders of investigation.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings.

Settlement of administrative proceedings.

Freedom of Information Act Appeal.

Regulatory matters arising from or bearing enforcement implications.

Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, February, 2, 1978, immediately following the 10 a.m. open meeting, will be: Regulatory matter arising from or bearing enforcement implications.

Opinion.

Other litigation matters.

FOR FURTHER INFORMATION CONTACT:

Glynn L. Mays at 202-755-1280 or Margaret Topps at 202-376-8003.

JANUARY 24, 1978.

[S-196-78 Filed 1-25-78; 9:04 am]

federal register

FRIDAY, JANUARY 27, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

■

MEDICAL PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Designation of Alternate

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 471]

DESIGNATION OF ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: This proposal sets forth criteria, and other selection factors, for the designation of alternate Professional Standards Review Organizations (PSROs) where physician-groups that qualify under section 1152 (b)(1)(A) of the Social Security Act are not available in a PSRO area. The Secretary is required to designate alternate PSROs in accordance with section 1152(b)(1)(B) of the Act. The intent is to inform organizations that may be interested in applying for designation as alternate PSROs.

DATES: Consideration will be given to written comments or suggestions received on or before March 28, 1978.

ADDRESSES: Address comments to: Acting Associate Administrator, for Health Standards and Quality, Room 16A-55, 5600 Fishers Lane, Rockville, Md. 20857. In commenting, please refer to HSQ-33-P. Comments will be available for public inspection, beginning approximately 2 weeks from today, at the address noted above, on Monday through Friday from 8:30 a.m. to 5 p.m., 301-443-3880.

FOR FURTHER INFORMATION CONTACT:

Hal Belodoff, Legal Analyst, Room 16A-44, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, phone 301-443-4086.

SUPPLEMENTARY INFORMATION:

Statutory Provisions

Section 1152 of the Social Security Act requires the Secretary to designate qualified organizations as PSROs. The Act provides for two categories of qualified organizations: (1) physician-composed associations having six specific characteristics; and (2) other public, nonprofit private, or other agencies or organizations of professional competence and otherwise suitable. Physician-composed associations which qualify under section 1152 (b)(1)(A) have first priority for designation as PSROs. After January 1, 1978, the Secretary may designate an alternate PSRO which qualifies under section 1152(b)(1)(B) in any area where there is no priority organization.

Public Participation

The views of interested organizations and the general public have been secured through: (1) an Advanced Notice of Proposed Rulemaking published in the Federal Register on April 1, 1977 (42 FR 17501); and (2) five public hearings that took place between April and June, 1977, as announced in the Federal Register on April 1, 1977 (42 FR 17525) and May 20, 1977 (42 FR 25920).

Discussion of Recommendations

The major recommendations and the Department's responses are summarized below:

RECOMMENDATION 1

In areas where the medical establishment has opposed the development of PSROs, physician-groups should be allowed to organize an alternate PSRO without having to acquire a substantial proportion of physicians as members.

This recommendation was accepted.

The Department believes that the law does not preclude consideration of all physician-composed organizations as alternate PSROs, but only of those groups which could qualify as a priority organization under the Act. Under this proposal, physician-groups which apply to be alternate PSROs would need to show that they cannot voluntarily satisfy section 1152(b)(1)(A) requirements because of the resistance of the medical societies in the area. The Department believes that unacceptance of the PSRO program by the large medical organizations in an area was the major obstacle that Congress wished to overcome by requiring alternate PSROs to be designated after a period of time during which representative physician-composed associations would have complete priority. Congressional intent to enable competent groups to perform PSRO activities if opposition prevented priority physician-groups from qualifying was reiterated in the 1975 amendment (Section 108(b) of Pub. L. 94-182), which permits the Secretary to forego notification and polling where the medical societies have taken a formal position of opposition to the PSRO program.

RECOMMENDATION 2

Do not eliminate medical societies and organizations controlled by medical societies from consideration for designation as alternate PSROs.

This recommendation was not accepted.

Medical societies were clearly the organizations expected by Congress to sponsor physician-composed PSROs which would qualify under section 1152(b)(1)(A). The Secretary has formally requested State and local medical societies to sponsor PSROs in their respective designated areas. Their failure to do so may be viewed as an indication of lack of interest in, or opposition to, the PSRO program. In addition, if medical societies were permitted to apply as alternate PSROs it might discourage them from sponsoring a priority PSRO. That would not further the intent of the legislation.

RECOMMENDATION 3

Allow existing physician-composed PSROs to serve as alternate PSROs in adjoining areas where there is no priority PSRO. Existing PSROs already have the experience and knowledge necessary to ensure an efficient and effective assumption of review responsibilities. Designation of such organization would be preferable to using local nonphysician alternate PSROs or any other organization located outside the unserviced area.

This recommendation was accepted in part.

In order to promote local support and operation of review activities, existing PSROs will not be preferred over other groups located within the unserviced area.

RECOMMENDATION 4

Assign a higher priority to qualified fiscal intermediaries and other health insurers. Do not consider them only as a last resort.

This recommendation was accepted.

The Department agrees that an insurer located within the State, familiar with local norms and readily available to service the PSRO area is more suitable as an alternate PSRO than an out-of-State organization. The proposal reflects this view. It is proposed to issue a new part 471 of Title 42 as set out below:

Part 471—DESIGNATION OF ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Sec.

471.1 Definitions.
471.2 Statutory basis and applicability.
471.3 Conditions for designation.
471.4 Priorities for consideration of applicants.

Authority: Sec. 1152, 86 Stat. 1430 (42 U.S.C. 1320); Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 471.1 Definitions.

(a) "Act" means the Social Security Act.

(b) "Alternate PSRO" means a PSRO designated under the provisions of Section 1152(b)(1)(B) of the Act.

(c) "PSRO" means a Professional Standards Review Organization.

(d) "Secretary" means the Secretary of the Department of Health, Education, and Welfare or any other official to whom the pertinent authority has been delegated.

§ 471.2 Statutory basis and applicability.

(a) Section 1152(a) of the Act requires the Secretary to designate qualified organizations as PSROs. Section 1152(b) of the Act provides for two categories of qualified organizations: (1) physician-composed associations having six specific characteristics and (2) other public (including State agencies), nonprofit, private, or other agencies or organizations of professional competence and otherwise suitable. The regulations of this part set forth criteria for the designation of qualified organizations of the second type.

§ 471.3 Conditions for designation.

(a) *Absence of priority organization.* The Secretary may designate an alternate PSRO in an area if no organization which meets the requirements of sections 1152(b)(1)(A) and (2) of the Act applies for designation as a PSRO in the area.

(b) *Evaluating applications.* The Secretary will evaluate the suitability, capability, and willingness of an applicant organization to assume responsibility for review of the necessity, appropriateness, and quality of medical care and to make determinations that are binding for purposes of claims payment under the Act.

(c) *Basic conditions.* To be eligible for designation as an alternate PSRO, an organization must: (1) Have, or show that it will be able to obtain, the services of individuals with medical expertise to competently perform review activities;

(2) Demonstrate its ability to perform review within the boundaries of the designated area;

(3) Not be a medical society;

(4) Not be subject to excessive influence by a medical society in making decisions;

(5) Not reserve board of director positions for members of a medical society;

(6) Not be an organization composed exclusively of licensed doctors of medicine or osteopathy (other than an existing PSRO) except in a PSRO area in which an organization representing the largest number of doctors of medicine or osteopathy in the area has taken a formal position of opposition to, or noncooperation with, the PSRO program;

(7) Not have inherent conflicts of interest that affect its role as a reviewer of health care; and

(8) Be willing to perform PSRO activities without making a profit.

(d) *Other criteria.* The Secretary will also consider in his evaluation of applicants: (1) The degree of support the organization has from the aggregate community of health care institutions, health related organizations, and health care practitioners in the PSRO area; and

(2) The degree of support the organization has from consumers in the local PSRO area.

§ 471.4 Priorities for consideration of applicants.

(a) *Priorities for initial designation.* If more than one organization formally seeks designation as an alternate PSRO for a given area, the order of priority among those found to be qualified will be: (1) organizations physically located or headquartered in the PSRO area;

(2) existing PSROs;

(3) organizations, including fiscal intermediaries and health insurers, located outside the PSRO area but within the State in which the PSRO area is located;

(4) organizations located outside the State in which the PSRO area is located.

(b) *Additional criteria.* If the competing applicants fall in the same order of priority, the Secretary will consider additional information concerning their suitability, capability, and willingness to perform PSRO functions.

(c) *Criteria for nonrenewal of agreements with alternate PSROs.* The Secretary will not renew an agreement with an alternate PSRO if: (1) a physician-composed organization that meets the requirements of section 1152(b)(1)(A) is willing to enter into a PSRO agreement; and

(2) the Secretary anticipates that the designation of this organization will result in substantial improvement in the performance of PSRO duties.

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement, under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Dated: November 7, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: January 13, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.78-1611 Filed 1-26-78; 8:45 am]

federal register

FRIDAY, JANUARY 27, 1978
PART III

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

ETHYLENE OXIDE

Rebuttable Presumption Against Registration; Maximum Residue Limits and Daily Levels of Exposure

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 211 and 821]

[Docket No. 77N-0424]

ETHYLENE OXIDE, ETHYLENE CHLOROHYDRIN, AND ETHYLENE GLYCOL

Maximum Residue Limits and Maximum Daily Levels of Exposure; Intent To Propose Rules

AGENCY: Food and Drug Administration.

ACTION: Notice of intent.

SUMMARY: The Commissioner of Food and Drugs intends to issue a proposed rule that would (1) establish maximum residue limits for ethylene oxide (ETO) and its two major reaction products, ethylene chlorohydrin (ETCH) and ethylene glycol (ETG), in drug products for human and veterinary use and medical devices and (2) establish maximum daily exposure levels for drug products for ETO and its two major reaction products.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Watson, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION:

Elsewhere in this FEDERAL REGISTER the Environmental Protection Agency (EPA) is publishing a notice of rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Ethylene Oxide, based on reports of mutagenicity and reproductive effects. This is the first step in EPA's regulatory procedures that may result in a cancellation of the registration of a pesticide.

Ethylene oxide has been used for a number of years as a sterilant for certain drug products for human and veterinary use, including biological products for human use, and certain medical devices. Many of these products cannot be sterilized by other means such as heat, filtration, radiation, or liquid chemical agents without degrading or otherwise damaging them; and there are no other acceptable safe gaseous substitutes available.

The Commissioner is aware of the local and systemic toxic effects of ETO and its reaction products as well as the reports of the mutagenic effects of ETO and ETCH. Because the Commissioner believes that the current use of ETO as a sterilant for certain drug products and medical devices is necessary for the delivery of required health care, he intends to propose maximum residue limits for certain drug products and medical devices and maximum daily levels of exposure to ETO, ETCH, and ETG from drug products for humans and animals. Such action will be directed to permitting the continued essential use of ETO as a sterilant.

The agency intends to publish in the FEDERAL REGISTER in the near future a proposal establishing these maximum residue limits and maximum daily levels of exposure.

Dated: January 24, 1978.

JOSEPH P. HILE,

Associate Commissioner for Compliance.

[FR Doc. 78-2366 Filed 1-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/22; FRL 845-5]

PESTICIDE PROGRAMS

Notice of Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Ethylene Oxide

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing ethylene oxide (EtO).[1]

I. Regulatory Provisions

A. *General.* Title 40, Part 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in Section 162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets the criteria set forth in section 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only if, after careful consideration of both the risks and benefits of a pesticide, it is determined that the pesticide may generally cause unreasonable adverse effects to man or the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice. Registrants and other interested parties may submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to Section 6(a)(1) of FIFRA.

B. *Rebuttal Criteria.* Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" (40 CFR 162.11(a)(4)(ii)); or

(2) That "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" (40 CFR 162.11(a)(4)(iii)).

C. *Benefits Information.* In addition to submitting evidence to rebut the presumption of risk, section 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant,[2] applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically, section 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh the risks," the Administrator may issue a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to section 3(c)(6) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to section 6(c) of the Act.

Stated below are the section 162.11(a)(3) risk criteria which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing EtO. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "Ethylene Oxide: Position Document 1," which follows. Copies of attachments to the Position Document which are not published with this notice are available for public inspection in the Office of Special Pesticide Reviews. Information protected from disclosure pursuant to FIFRA Section 10 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Project Manager, Mr. J. B. Boyd, Office of Special Pesticide Reviews (WH-566), EPA, Room 447, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-5632.

II. Presumptions

A. *Mutagenicity.* 40 CFR Section 162.11(a)(3)(ii)(A) states that "[a] rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) * * * induces mutagenic effects, as determined by multitest evidence." Section 162.3(y) defines mutagenic as "the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations." Section 162.3(1) defines degradation product as "a substance resulting from the transformation of a pesticide by physiochemical, or biochemical means."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing EtO, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

B. *Other Chronic or Delayed Toxic Effects.* 40 CFR Section 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a pesticide "[p]roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as deter-

[1] A position document containing background information and other material pertinent to the issuance of this notice has been prepared by the Agency Working Group on EtO and is also published with this notice.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.
2. Identification of the minor uses of the pesticide, including estimated quantities used by category.
3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.
4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.
5. Assessment of regulation impact upon users from using available substitute pesticides or from using no other pesticides.
6. If the impacts upon either user costs or effectiveness are significant, a qualitative assessment of the regulation's impact on health care or storage of food products and consequence to consumers.

mined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that the risk index for reproductive effects has been exceeded by all registrations and applications for registration of pesticide products containing EtO, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. Additional Grounds for Review

As discussed in more detail in the attached Position Document, ethylene oxide and its degradation products, ethylene chlorohydrin and ethylene glycol, are suspected of causing other adverse chronic or delayed toxic effects. However, the data and analyses available at this time with respect to these effects are not sufficient to warrant the issuance of a rebuttable presumption against registration. The Agency specifically solicits further evidence bearing on these possible adverse effects. All comments and information received with respect to these effects, including analyses thereof, may serve as a basis for the final decision as to the registrability of ethylene oxide (40 CFR 162.11(a)(6)).

IV. Registrations and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until March 13, 1978, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

A registrant or applicant for registration may, if it desires, assert a business confidentiality claim covering part or all of the information submitted in rebuttal. The registrant or applicant may assert this claim by placing on or attaching to the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly marked.

If a confidentiality claim is asserted, the information covered by the claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR 2, Subpart B (41 FR 36906, September 1, 1976). If no confidentiality claim accompanies the information at the time it is received by EPA, EPA will place the information in the public comment file where it will be available for public inspection.

If a registrant or applicant does assert a confidentiality claim for some, but not all, of the information submitted to EPA in rebuttal, the registrant or applicant should furnish two copies of the information to EPA. The first copy should contain all of the information submitted in rebuttal with information claimed as confidential clearly identified. The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

V. Duty To Submit Information On Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to Section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of EtO products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which have not been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

VI. Public Comments

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of EtO, its impurities, metabolites, and degradation products on flora and fauna, particularly animals with metabolism similar to that in humans, is solicited. Similarly, any studies or comments on the benefits from the use of EtO are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to Section 162.11(a)(5).

All comments and information should be sent to:

Federal Register Section, Technical Services Division (WH-569), Room 401 East Tower, 401 M Street SW., Washington, D.C. 20460.

Three copies of the comments or information should be submitted to facilitate the work of the Agency and others intersted in inspecting them. The comments and information should bear the identifying notation "OPP-*30000/22*." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR Section 162.11(a)(5)(ii).

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR Section 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 P.M. during normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since (1) all of the information received may serve as a basis for final determination pursuant to Section 162.11(a)(5) and (2) the Agency will not generally publish a summary of information received in the Federal Register at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the Federal Register, but rather handled by mail with affected parties. Omissions will be corrected by notice in the Federal Register.

Dated: January 17, 1978.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Ethylene Oxide: Position Document 1

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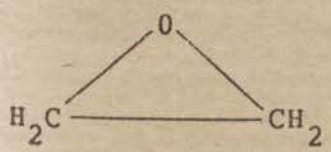
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I. BACKGROUND

A. Chemical and Physical Properties

Ethylene oxide (EtO), which is also known as oxirane, is a gas at room temperature and normal atmospheric pressure. It is the simplest epoxide or cyclic ether. EtO has a boiling point of 10.7°C and a molecular weight of 44.5, and is infinitely soluble, yet reactive, in water, alcohol, and ether. It is a highly reactive and penetrative alkylating agent with the following structural formula.



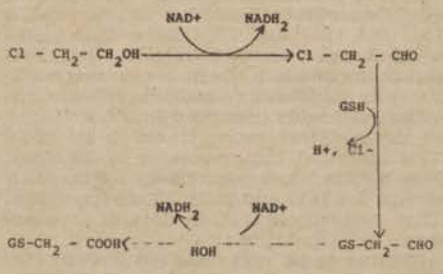
B. Environmental Chemistry Characteristics

Due to its high reactivity, EtO is unlikely to persist chemically unaltered. The half-life of EtO in water was reported to be 76 hours at 37°C and 6 months at 4°C (20). It reacts with water to produce ethylene glycol, with hydrogen halides to produce ethylene halohydrins, with alcohols and phenols to produce ethylene glycol ethers, with acids to produce ethylene glycol esters, with amines to produce ethanolamines, and with sulphhydryl compounds to produce thioethers. The two most commonly found degradation products are ethylene chlorohydrin (ECH) and ethylene glycol (EG). After sterilization and fumigation of various organic materials and synthetic objects with EtO, residues of EtO, ECH, and EG are found. Foods (25,68,79,89), drugs (1,35), medical supplies (6,14,30,59,64), and medical devices (31,52) have been shown to contain one or more of these residues following treatment with EtO.

An in vitro study of mouse spleens incubated with tritium-labeled EtO demonstrated that EtO chemically binds with DNA and proteins, and that the biological half-life of EtO was approximately 9 minutes (20).

C. Metabolism

By monitoring cofactors and metabolites, Johnson (44) deduced that ^{36}Cl-labeled ECH was dehydrogenated when incubated with rat liver homogenate (supernatant following 60,000 x g for 1 hour). Besides the liberated ^{36}Cl ion, the only product observed to be generated in this *in vitro* procedure was S-carboxymethyl glutathione ($GS\text{-}CH_2\text{-}COOH$). The presence of the cofactor, nicothinamide-adenine dinucleotide (NAD+), in the homogenate was essential to the observed metabolic activity. The reduced form of NAD+, which is represented as $NADH_2$, was generated during incubation. Following oral administration of unlabeled ECH (52 mg/kg or more), the rat glutathione (GSH) levels fell rapidly. $GS\text{-}CH_2\text{-}COOH$ was also identified in the rat liver extract within 45 minutes after a dose of 100 mg/kg was administered. This in vivo observation further suggests that $GS\text{-}CH_2\text{-}COOH$ is an intermediate in the metabolism of ECH. By including and excluding various metabolites, cofactors, competitive inhibitors, and substrates, the author proposed the following metabolic pathway.



Blair and Vallee (9) demonstrated the ability of purified human liver alcohol dehydrogenase to oxidize monochloro- acetaldehyde and ECH.

Ehrenberg et al. (20) observed that five mice exposed by inhalation to tritium-labeled EtO excreted an average of 78 percent of the estimated dose within 48 hours. Only one of the excretory products was characterized. Two mice were exposed to 1.15 ppm EtO for 75 minutes; two were exposed to 7.4 ppm for 60 minutes; and one was exposed to 33 ppm for 75 minutes. There was a trace amount of 7-hydroxyethylguanine in the two mice exposed to 7.4 ppm. Ehrenberg also examined the organs of 15 mice after they were exposed to air containing 1.15 ppm ^3H-labeled EtO for 75 minutes. Radioactivity was found in the testes, kidneys, livers, and spleens.

D. Registered Uses

There are 38 Federally registered pesticide products containing EtO as an active ingredient. One Federally registered product contains EtO as an inert ingredient, and there is one application for Federal registration of a State-registered product containing EtO as an active ingredient. EtO is used primarily for sterilization of medical supplies and equipment (see Appendix A for examples) on which FDA establishes tolerances (53), and as an insecticidal, fungicidal, and bactericidal fumigant on copra, black walnuts, and spices. There are EPA-established tolerances of 50 ppm on these stored food products. In addition, EtO is used to disinfect commercial premises, dental instruments, clothing, laboratory animal bedding, laboratory equipment, and pharmaceutical equipment and materials. A more comprehensive site/pest listing has recently been prepared (83).

In accordance with Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), three EtO products have been registered in States that have demonstrated that these products are necessary to meet special local needs (Appendix B).

E. Production

Section 7(c) of FIFRA requires manufacturers and formulators to submit to EPA information on the production, sales, and distribution of their pesticide products. According to Sections 7(d) and 10 of FIFRA, this information is confidential and may not be made available to the public. However, a confidential memo summarizing this information (12) has been sent to the Deputy Assistant Administrator for Pesticide Programs.

II. REGULATORY HISTORY

In 1968 the U.S. Department of Agriculture Pesticide Regulation Division issued cancellation notices for the registrations of EtO for use on dry beans, all grains, almonds, cashews, chestnuts, filberts, hazelnuts, hickory nuts, pecans, walnuts, and peas (PR Notice 68-5). These uses had previously been registered on a "zero tolerance" or "no residue" basis.

In 1969 the Report of the Secretary of Health, Education, and Welfare's (HEW) Commission on Pesticides and Their Relationship to Environmental Health [Mrak Report (62)] listed EtO as an epoxide compound having chemical structures known to affect DNA. The report stated, "Any compound having such a structure should be proven to be harmless before humans are exposed to it."

In May 1975 the Food and Drug Administration (FDA) prepared a memorandum (53) which addressed the safety and efficacy of EtO when used as a sterilant and fumigant. Among the recommendations was that the following animal studies be expeditiously

undertaken: a teratology study, a mutagenicity study, and a 3-year study for carcinogenicity that would include a limited study of reproductive effects. The Commissioner of Food and Drugs requested that the Associate Commissioner for Science study this recommendation.

In August 1976 the office assigned to review the recommendation suggested that no further studies be initiated at that time by FDA because preliminary tests were underway for five of the six recommended studies at the Carnegie-Mellon Institute of Research. In addition, the National Cancer Institute (NCI) had scheduled carcinogenicity bioassays on EtO and ECH (29).

We have confirmed that on April 27, 1977, the Carnegie-Mellon Institute of Research began a 2-year EtO inhalation study on rats. The protocol indicates that the animals will be examined for oncogenic and cytogenetic effects. To our knowledge, however, neither the teratology nor the reproductive effects study was completed. NCI still has both EtO and ECH tentatively scheduled for bioassays.

In April 1977 an HEW Subcommittee issued the "Report of the Subcommittee on the Benefits and Risks from the Use of Ethylene Oxide for Sterilization" (24). The conclusions were as follows:

> The Subcommittee has concluded that ethylene oxide is an extremely useful chemical which, unfortunately, possesses mutagenic properties. There is little evidence that it is also carcinogenic to experimental animals, although adequate testing has yet to be conducted. Based on the documented mutagenicity of this compound, it is imperative that unnnecessary and improper use of ethylene oxide for hospital sterilization purposes be prohibited, and that where ethylene oxide can be replaced by another practicable sterilization process, this should be done, providing the alternate process does not possess similar or more serious toxicologic properties. Where the use of ethylene oxide is to be continued, improved techniques of exhausting the gas from the sterilizer, the aerator, and the sterilized items need to be implemented. Gas sterilization should be supervised and monitored so as to prevent all unnecessary exposure to personnel. It is felt that this can be accomplished through improved exhaust, ventilation, and other engineering control techniques. Personnel should be trained in the safe operation of the process. Provided these control measures are instituted (and enforced), the use of ethylene oxide for specific health care applications should carry minimal risk to the health of hospital personnel. The benefits resulting from the use of ethylene oxide are the reduction in the prevalence of coincident infections in patients requiring health care.

On September 30, 1977, the Agency received the "Special Occupational Hazard Review and Control Recommendations for the Use of Ethylene Oxide as a Sterilant in Medical Facilities" (28) that was prepared by HEW's National Institute for Occupational Safety and Health (NIOSH). In the preface of this review, it is stated that this type of review is "* * * prepared in such a way as to assist in the formulation of regulations." In the summary and conclusions section of the review, it is stated that, "The adequacy of the current U.S. EtO standard [i.e. the time-weighted average of 50 ppm EtO for a workday], which was based on the data available at the time of promulgation, has not ben addressed in this report." The report did recommend that "* * * exposure to EtO be controlled so that workers are not exposed to a concentration greater than 135 mg/cu m (75 ppm) determined during a 15-minute sampling period * * *" and that measures be taken to minimize the mutagenic health risk. The report also states that there are plans to develop a criteria document during the 1980 fiscal year which will fully examine the adequacy of the current 50 ppm U.S. EtO standard.

III. SUMMARY OF SCIENTIFIC EVIDENCE IN SUPPORT OF REBUTTABLE PRESUMPTION

A. Mutagenic Effects

40 CFR Section 162.11 (a)(3)(ii)(A) states that "a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) * * * induces mutagenic effects, as determined by multitest evidence." Section 162.3 (y) defines mutagenic as "the property of a substance or mixture of substances to induce changes in the genetic complement of either somatic or germinal tissue in subsequent generations." Section 162.3 (l) defines degradation product as "a substance resulting from the transformation of a pesticide by physicochemical, or biochemical means."

Evidence in both prokaryotic (e.g. bacterial) and eukaryotic (e.g. animal and higher plant) systems indicates that EtO is a general point (gene) mutagen. This means that EtO can interact with DNA of various species to produce mutations in both reproductive and other body cells. There is also evidence that EtO can induce chromosomal mutations in somatic cells of humans and other mammals. In addition, ECH, an EtO degradation product, has been shown to be a point (gene) mutagen in bacterial systems.

Human exposure to a mutagen has serious implications. The possible adverse effects to people, especially those of reproductive age, are: spontaneous abortions, stillbirths, birth defects in their children, and diseases in the adult life of subsequent generations. Any of these effects could result from exposure of the male and/or female parent to a mutagen. In addition, those exposed can be adversely affected by mutations of the somatic cells.

The Ethylene Oxide Working Group has concluded that EtO and ECH meet this risk criterion and are capable of inducing chromosomal mutations in animals.

1. *Ethylene oxide.*—(a) *Point (gene) mutations*—i. *Microorganism studies.* Embree (22) placed EtO-impregnated Tygon tubing on *Salmonella typhimurium* test strains TA 1535, TA 1537, and TA 1538 on agar plates without microsomal activation. The EtO slowly leached into the plates causing a statistically significant ($p<0.05$) number of histidine revertants (reversion to the wild type at the histidine locus) in strain TA 1535. This indicated that mutation by base-pair substitution had occurred. Tests with strains TA 1537 and TA 1538 were negative. This suggests that EtO does not induce frame-shift mutations.

Rannug et al. (69) dissolved EtO in ethanol and applied the solution to *S. typhimurium* strain TA 1535 on agar plates without microsomal activation. The concentrations tested were 0.96, 4.77, 9.55, 47.7, and 95.5 mM EtO. A highly significant dose-response relationship for the induction of mutations was observed. These data confirm EtO's ability to induce mutation by base-pair substitution.

In an addendum to Rannug's paper (69), Hussain and Osterman-Golkar (37) reported the genetic risk (potency) of EtO. Using the dose-response curve of the frequency of mutation in *Escherchia coli*, the authors estimated this risk of EtO to be two mutants per 10^8 survivors per mM x hour.

A Stanford Research Institute study (46) established that there is a dose-response relationship for mutations in *S. typhimurium* strains TA 1535 and TA 100 exposed to atmospheres with varying concentrations of EtO ranging from 0.01 to 0.1%. These treatments were administered in 9-liter desiccators. There were negative results in strains TA 1537, TA 1538, and TA 98. This study confirmed that EtO induces mutations by base-pair subsitution. A rat liver microsomal activation system (induced with Arochlor) was used and did not affect the mutagenic activity. This indicates that EtO is a direct-acting point (gene) mutagen in microbial systems. Microsomal activation provides information on the effect which mammalian metabolism can have on the genetic activity of a compound. The possible effects are the conversion of a promutagen to a mutagen and the conversion of a direct-acting mutagen to nonmutagen.

Kolmark and Westergaard (49) tested a 0.025 M EtO aqueous solution on an adenine-requiring strain of *Neurospora crassa* (W.40) in a plate test. The observed frequency of reverse mutations (reversion to the wild type at the adenine locus) increased with the duration of exposure.

Kolmark and Kilbey (48) observed an increased incidence of reverse mutations in the macroconidial strain [K3/17 ad-3A (38701)] of *N. crassa* which were exposed to 1.5 to 150 mM EtO in culture media. The increase in the frequency of mutation was a function of dose and length of exposure. Kilbey and Kolmark (47) observed the same effects in a similar study.

ii. *Plant studies.* Studies of barley, wheat, and rice that were treated with EtO provide convincing evidence that such treatment results in heritable, viable mutants among the segregating generations (17, 19, 32, 40, 41, 55, 73).

iii. *Invertebrate studies.* Bird (8), Nakao and Auberbach (63), and Watson (88) injected *Drosophila melanogaster* males with aqueous solutions of EtO. Following these single doses of EtO at 55 to 175 mM, the males were mated with untreated females. The resulting progeny were examined for recessive lethal mutations on the X-chromosome (Muller-5 test). The increased incidence of these mutations showed a dose-response relationship.

b. *Chromosomal effects.*—i. *Cytogenetic studies.* In an in vivo cytogenetic study, Embree (22) exposed six male Long-Evans rats to 250 ppm EtO in a flow-through chamber for 7 hours per day on 3 consecutive days. Treated rats were sacrificed 24 hours after the last exposure. Several types of chromosomal aberrations were observed in the bone marrow. Incidences of chromatid gaps, isochromatid gaps, chromatid breaks, isochromatid breaks, rearrangements and exchanges, dicentrics, rings, cells with more than one type of aberration per metaphase plate, and abnormal chromosome counts were significantly higher ($p<0.05$) in the exposed animals than they were in the controls.

In a similar experiment Embree (22) exposed groups of five male Long-Evans rats to 10, 25, 50, 250, or 1,000 ppm EtO in air. An additional group of five was exposed to

50 ppm. Treatment involved a single 4-hour exposure. The animals were biopsied 24 hours after treatment. The incidence of micronuclei in polyschromatic erythrocytes from bone marrow of treated rats was higher than it was in the controls. This increase was significant for the two 50 ppm groups (<0.0025[1]) and for the 250 and 1000 ppm groups ($p<0.05$). A dose-response relationship was demonstrated.

Strekalova (80) administered a single oral dose of 9 mg/kg of EtO in water to two groups of six male rats. The animals were sacrificed after either 24 or 48 hours and bone marrow from the femur was examined for chromosomal rearrangements. The treated rats from both the 24- and 48-hour groups evidenced a higher incidence of chromosomal and chromatid bridges and fragments than did the controls. This increased incidence was significant after 24 hours ($p<0.001$) and after 48 hours ($p<0.002$).

Strekalova et al. (81) continuously exposed a group of 24 male white rats to air containing EtO at 1.98 ± 0.33 ppm for 66 days. The animals were then maintained in uncontaminated air for 4 days before sacrifice. Spinal cord cells were examined and showed an increased incidence of chromosomal rearrangements in the treated rats at both exposure levels as compared to the controls. The statistical significance was not given and the rearrangements were not discussed.

Fomenko and Strekalova (26) observed the bone marrow cells of mongrel albino rats which were exposed to EtO by inhalation. Groups of six animals were continuously subjected to 0.55–1.65 ppm or 33 ppm EtO for 2, 4, 8, or 30 days. There was evidence of an increase in chromosomal aberrations that was dose and time dependent. As presented, the results do not allow statistical evaluation. The Office of Special Pesticide Reviews sent a memorandum to the Office of International Activities concerning this translation (11).

ii. *Dominant-lethal assays.* Embree (22) exposed 15 male Long-Evans rats to air containing 1000 ppm EtO for 4 hours. After a 24-hour recovery period, each treated male was placed with two virgin females which were replaced each week for 10 weeks. In matings from weeks 1, 2, 3, and 5, the mutagenic index (dead implants/total implants) of the EtO-treated males was significantly higher than that of controls ($p<0.05$).

Strekalova et al. (81) observed male white rats that were continuously exposed to EtO for 66 days. Twenty-four and 14 animals were maintained at levels of 1.98 ± 0.33 ppm and at 61.5 ± 11.1 ppm in air, respectively. Immediately following exposure the animals were allowed to mate with untreated females for 4 days. Mortality of the embryos resulting from mating of males exposed at the higher level was elevated at the $p<0.001$ level of significance, while the lower level of exposure also increased mortality at the $p<0.05$ level of significance.

iii. *Human mutagenic episode.* Ehrenberg (13) studied the lymphocytic effects in seven workers who were transiently exposed to a high concentration of EtO for 2 hours after an industrial accident involving an EtO spill. Since two of the seven workers were hospitalized with lung damage, Ehrenberg (66) estimated the level of exposure to be equivalent to 2 hours of continuous exposure to 1500 ppm. Eighteen months afterwards, peripheral blood lymphocytes were examined for chromosomal aberrations, including chromosomal translocations, gaps, breaks, and aneuploidy. When compared with 10 control subjects with no history of EtO exposure, the incidence of these aberrations was elevated ($p<0.05$).

2. *Ethylene chlorohydrin.*—(a) *Point (gene) mutations*—i. *Microorganism studies.* Embree (22) placed a small amount of ECH on agar plates with *S. typhimurium* and tested it in the manner previously described. Only the TA 1535 strain, which had an increased incidence of reverse mutations, was significantly affected ($p<0.05$).

Malaveille et al. (56) obtained positive results when they tested ECH at 0.4, 4, and 40 μM/ml on strain TA 1530 in plate tests both with and without microsomal (mouse liver) activation. Metabolic activation enhanced the activity of ECH. There was a positive dose-response relationship. Positive results in this strain of bacteria show that ECH was inducing base-pair substitution mutations.

Voogd et al. (86) observed a significant ($p<0.05$) increase in the frequency of mutation in *Klebsiella pneumoniae* which were exposed to ECH in culture media lacking microsomal activation. This test organism is ordinarily dependent on an exogenous source of proline and uracil for growth. These mutants were apparently autotrophic revertants. Results indicate a dose-reponse correlation.

McCann et al. (58) observed reverse mutations at the histidine locus in *S. typhimurium* strain TA 100, and a weak response with TA 1535 by plate tests both with and without microsomal activation. The incidence of these ECH-induced revertants in TA 100 was enhanced by metabolic activation. The frequency of mutation increased with the dose in strain TA 100.

Rosenkranz et al. (71, 72) obtained a positive response with *S. typhimurium* strains TA 1530 and TA 1535 after treatment with ECH. This indicated a base-pair substitutional mechanism for the mutagenic action of ECH. A dose-response correlation was demonstrated in strain TA 1530. *E. coli* (pol $A1^-$) deficient in DNA polymerase also demonstrated a higher degree of inhibition when exposed to ECH than did the pol A+ strain from which they were derived. This indicates that ECH is capable of interacting with DNA.

Rannug et al. (69) observed a significant ($0.001<p<0.01$) increase of *S. typhimurium* strain TA 1535 mutants in a plate test with 1.0 M ECH. Chloroacetaldehyde, a possible metabolite of ECH, was shown to significantly ($p<0.001$) increase these mutations at 0.5 and 1.5 mM.

Hussain and Osterman-Golkar (37) calculated the genetic risk of chloroacetaldehyde from a dose-response curve of its induction of mutations in *E. coli.* This risk was defined as 30 mutants per 10^8 survivors per mM x hour.

Elmore et al. (23) reported that chloroacetaldehyde and ECH were mutagenic in a reversion (point mutation) test with *S. typhimurium* strains TA 1535 and TA 100 and in a DNA repair test with *Bacillus subtilis* DNA repair-deficient strains. This indicates a base-pair substitutional mode of action. Dose-response curves were generated for these direct-acting mutagens. The effects were highly significant for chloroacetaldehyde.

ii. *Animal cell study.* Huberman et al. (36) detected no induction of 8-azaguanine and ouabain-resistant mutants among Chinese hamster V79 cells which were exposed to ECH. However, a potential ECH metabolite, chloroacetaldehyde, showed positive results.

b. *Chromosomal effects.* In a cytogenetic study, Semenova et al. (75) placed albino rats in flowthrough inhalation chambers and exposed them to 0.38 ± 0.073 ppm or 3.2 ± 0.097 ppm for a period of 4 hours per day for as long as 120 days. Serial sacrifice and examination of bone marrow cells indicated a progressive, statistically significant increase ($p<0.05$) in chromosomal aberrations from the first through sixtieth day. The same effect was observed on the 120th day but it was less significant ($p=0.01$). Following the full regimen of exposure and a 2-week recovery period, there was still an effect ($p=0.1$).

3. *Ethylene glycol.* In a point (gene) mutation study, Embree (22) tested a small amount of EG on *S. typhimurium* strains TA 1535, TA 1537, and TA 1538 on agar plates without microsomal activation and found no revertants.

B. Reproductive Effects of Ethylene Oxide

40 CFR 162.11 (a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a pesticide "[p]orduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety." Studies conducted with guinea pigs and rats indicate that EtO can adversely affect the male reproductive organs.

A study (20) in which male mice were exposed to air contaminated with radio-labeled EtO demonstrated residual radioactivity in the testes. In addition, male rats exposed to EtO in the air demonstrated affected germ cells as evidenced in each of two dominant lethal assays (22,81).

Hollingsworth et al. (33) observed atrophic effects on the testes of eight male guinea pigs which were exposed by inhalation to 357 ppm EtO in 123 seven-hour doses during a 176-day study. All animals survived, but appreciable degeneration of the testicular tubules and replacement fibrosis was noted. Hollingsworth also exposed the same number of guinea pigs to 204 ppm EtO in the same manner and observed a slight decrease in the weight of the testes. However, no histopathological effect was noted. In another test, 20 male rats which were exposed to 204 ppm EtO for 122 to 157 seven-hour periods during 176 to 226 days were noted to have small testes and slight degeneration of tubules. There was no evidence that withdrawal from exposure would allow restoration of the testicular structure. The authors also reported that there was no testicular histopathology or gross effect on guinea pigs or rats that were exposed to 113 ppm EtO in air. The exposure regimen consisted of 122 to 157 seven-hour periods during 176 to 226 days. No measure of fertility was taken in any of these tests.

In view of these findings, the Working Group has used 113 ppm as the no-observable-effect level (NEL) in assessing the margin of safety for humans.

In the only available epidemiological study mentioning the effects of EtO on the genital system, Joyner (45) examined 37 workers with an average of 10.7 years of continuous occupational exposure to 5 to 10 ppm EtO in the air. There were no statistically greater incidences of such genital disorders as benign prostatic hypertrophy,

[1]Assuming totally independent events.

acute prostatitis, spermatoceles, or seminomas of the testicle. However, no measure of reproductive capacity was taken.

There appear to be two populations at risk with respect to this potential adverse effect: 1) men who use this pesticide in the operation of EtO sterilization equipment on a routine basis and/or spend most of their time in the immediate area of the operation of this equiment, and 2) men who use EtO as a fumigant on a routine basis and/or often enter storage chambers shortly after such fumigation.

The most applicable level of inhalation exposure which is available for sterilization uses is commonly referred to as "a time-weighted average" (TWA). The most accurate indication of exposure to the EtO sterilization user is a TWA taken by continuously monitoring the breathing zone of the user throughout a typical work day and averaging the results. The Working Group is aware that, in practice, EtO sterilization equipment and conditions are many and varied. However, the Working Group has only four TWA's on which to base its exposure estimate. Three of the TWA's were provided by the U.S. Army's Environmental Hygiene Agency (27) and represented the "worst case" for individuals operating the machines tested. These TWA's, 16, 8, and 5 ppm, were well below the 50 ppm standard set by the Occupational Safety and Health Administration and currently in force for the workplace. The fourth TWA was supplied to EPA by a pesticide registrant (78). The breathing zone was continuously sampled to reflect actual use conditions. The TWA for this sterilization equipment was shown to be 0.16 ppm. The average of the four TWA's is approximately 7.3 ppm.

Assuming 7.3 ppm to be an approximate indication of the amount of EtO to which men using EtO sterilization equipment are continuously exposed, the Working Group compared this level to the NEL in male rats and guinea pigs (113 ppm).

In order to express these exposure levels as absorbed dose levels, compare these doses, and estimate the margin of safety, the working Group made certain assumptions: 1) rodents and man receive this dose of EtO primarily by inhalation, 2) the efficiency of uptake of the EtO by this route is the same in man as it is in rodents, and 3) the dose is proportional to the respired volume of EtO-contaminated air.

Once the relationship between exposure levels and absorbed dose levels is empirically established for a laboratory rodent, this relationship can be extrapolated to other laboratory rodents and humans. A series of experiments published by Ehrenberg et al. (20) provides the empirical data to determine the dose-exposure relationship for mice. In these experiments the EtO exposure level and duration of exposure varied. There were a total of seven values of exposure (ppm x hour) and absorbed dose during exposure (μ mole/kg). These data were plotted and the slope was used to estimate the dose per unit of exposure times the duration of exposure in mice. The Working Group estimated that exposure to 1 ppm for a period of 1 hour gives mice an absorbed dose of 2.8 μ mole/kg. Although part of this dose may have been absorbed dermally, the Working Group assumed that most of the dose was absorbed by inhalation.

Using average body weights and respiratory rates (4), the Working Group estimated averge respiratory intake to be as follows:

Humans (68.5 kg males) doing light work: 25.0 liter/hour/kg.
Guinea pigs (466 g): 20.6 liter/hour/kg.
Rats (113 g): 38.4 liter/hour/kg.
Mice (20 g): 72.1 liter/hour/kg.

The Working Group then calculated the average daily doses based on the proportion of respired air of guinea pigs, rats, and men to the respired air of mice. The average daily doses administered to the guinea pigs and rats in the Hollingsworth study at the NEL (113 ppm) were estimated to be 28.2 and 52.6 mg/kg, respectively, whereas the daily dose to men doing light work while breathing air containing 7.3 ppm EtO was estimated to be 2.5 mg/kg. The difference between these estimated NEL doses in guinea pigs and rats and the estimated dose for men does not appear to provide an adequate margin of safety.

The Working Group is not aware of any data which quantify exposure to users of EtO fumigants. Labels of EtO fumigation products typically provide that fumigation be done only by experienced operators and that gas masks be worn prior to entering an area that is known to contain EtO vapors. However, the labels indicate that safe entry following fumigation does not require a gas mask unless there is a noticeable odor.

In the opinion of the Working Group, the warning based on noticeable odor is not sufficient to ensure that exposure to potentially hazardous levels of EtO will not occur. Based on published data (39), the median concentration of EtO which people can detect by smell is 700 ppm; the 95% confidence interval is 317 to 1540 ppm. The presence of other odorous ingredients in these pesticide products complicates precise utilization of these data. Sexton's review of medical and toxicological literature on EtO (76) also bears on this issue. He stated that, "When highly diluted with air ethylene oxide is only slightly disagreeable and is readily respirable. Prolonged exposure of this type is associated with early olfactory fatigue, and exposure may be prolonged to the point of considerable total absorption of ethylene oxide without warning."

Therefore, entry (e.g., loading and unloading) into the fumigation chambers and vaults between actual fumigation treatments may result in significant inhalation exposure to male fumigators. Although the Working Group is unable to quantify the amount of exposure, it is reasonable to anticipate that such exposure is too high in relation to the no-effect levels in rats and guinea pigs. Accordingly, a rebuttable presumption against registration has arisen against all pesticide products containing EtO.

The Working Group has also determined that dietary intake of stored food products (i.e., spices, copra, and black walnut meats) which have been fumigated with EtO does not appear to result in exposure to levels of EtO that might affect the gonads. An estimate of EtO ingestion that was based on actual EtO residue data was recently completed (60). Based on this analysis, the Working Group estimated that a 65-kg man would ingest approximately 0.0003 mg/kg/day. The Working Group concluded that there is an adequate margin of safety between the amount of EtO that might be ingested in stored food products and the estimated doses for which the Working Group has calculated that there will be no effect (28.2 and 52.6 mg/kg/day in guinea pigs and rats, respectively).

IV. OTHER POSSIBLE CHRONIC OR DELAYED ADVERSE EFFECTS

EtO and its two principal degradation products, ECH and EG, have been identified in several studies as the cause of a number of other chronic effects. The available information, however, is insufficient to support a rebuttable presumption against EtO. The Working Group is aware that studies currently underway address some of these effects. However, the Working Group is seeking any and all information which might be available to aid the Agency in further assessments of these effects.

A. Oncogenic Effects

The Working Group referred all available data concerning oncogenicity to the Agency's Carcinogen Assessment Group (CAG) for review. A summary of the findings and conclusions from their report (2) is given below.

1. *Ethylene oxide.* There are few published oncogenic studies on EtO, although a 2-year study is now being conducted. The available experiments are reviewed below.

(a) *Human epidemiology study.* In a study of 37 operators at a plant producing EtO, Joyner (45) found no increased incidence of tumors in operators exposed to 5 to 10 ppm EtO. Three other operators who were exposed to EtO declined to participate in the study. All subjects were males who were 29 to 56 years old. The mean period of exposure for the group was 40 hours a week for 10.7 years. Operators were exposed to EtO for the following lengths of time: less than 5 years, 3; 5–10 years, 11; 10–15 years, 21; and more than 15 years, 2. This exposure estimate was based on current measurements and the assumption that the exposure had remained essentially the same since the plant process and equipment had been unchanged for 10 years.

Subjects were compared to a control group of 41 drawn from operators who worked in other production units at the plant and participated in the periodic physical exam program. Control group members had been employed at the plant for an average of 11.7 years. Controls were matched by age only. No attempt was made to analyze the exposure of the control group to other chemicals produced at the plant. There were no clinical signs of toxic effects in this group.

A complete history and physical examination was performed on each member of the study and control group. There was special emphasis on signs suggesting hepatic or renal toxicity. Laboratory tests including chest X-rays, ECG's, hemoglobin tests, and white and red blood counts were done. Medical records for each person were evaluated for complaints in the preceding 10 years and physicians' diagnoses in the previous 7 years. However, no attempt was made to control for possible biases introduced by variations in medical care or physician diagnoses.

Table 1 summarizes tumors found in the EtO operators and the control group during the 8-year period discussed in the study. Four operators who were exposed to EtO and six control group members had tumors. The health of the operators exposed to EtO was no worse than that of the controls.

TABLE 1.—*Incidence of neoplasms among operators in an EtO plant, 1955-62*[1]

Neoplasm	Number of operators with neoplasms[2]	
	Operators exposed to EtO	Control operators
Adenocarcinoma (bladder)	1	0
Basal cell carcinoma (skin)	0	2
Seminoma (testicle)	0	1
Lipoma	1	0
Other benign neoplasms	2	3
Totals	4	6

[1] Data from Joyner (45).
[2] There were 37 operators who were exposed to EtO and 41 operators in the control group.

It should be noted that the study was designed to evaluate the overall health effects of EtO exposure; tumor incidences were only one aspect of that evaluation. The study group included only operators currently working in the plant. This introduces a possible bias in determining tumor incidence. Because exposed operators who had left the plant were not included, there is no way of knowing whether they developed tumors. Joyner reported that the records of eight former employees were reviewed but does not explain how the eight were selected. Clearly, such a sample can not be considered representative of the exposed population. Indeed, the sample could have systematically omitted those who, because of serious adverse effects from EtO exposure, left the plant.

(b) *Mouse Study.* Van Duuren et al. (84) used 8-week-old female Swiss-Millerton mice to study the effects of dermal exposure to EtO. The authors painted the clipped dorsal skin of 30 mice with approximately 100 mg of a 10 percent solution of EtO in acetone three times a week during their lifetime. Sixty mice were treated with acetone alone and 60 were untreated. Thirty positive controls were painted with a 2 percent solution of dibenz (a,h) anthracene (DBA) in acetone.

No tumors or skin irritation were noted on gross examination of the EtO-treated group. The median lifespan was 493 days. It is possible that the EtO could have boiled off the skin of the treated animals and thus would not have remained in contact with the skin to produce an effect.

Carcinomas were detected and confirmed microscopically on 90 percent (27 of 30) of the DBA-treated group, and were absent from control groups that were untreated or treated with acetone.

(c) *Rat Study.* Walpole et al. (87) tested various alkylating compounds on an unspecified strain of rat. A maximum total dose of 1 g/kg of EtO in arachis oil was administered subcutaneously to 12 rats for 94 days. The dosing schedule was not reported, nor were the age and sex of the animals. The rats were observed for their lifetime, and none of the 12 rats treated with EtO developed tumors.

In the same test, 8 of 12 rats infected with propane-1,2-epoxide developed sarcomas on the site of infection. These positive controls received a maximum total dose of 150 g/kg over 325 days and were observed for life.

2. *Ethylene Chlorohydrin.* (a) *Mouse Studies.* Homburger (34) conducted two studies of the oncogenic effects of ECH on mice.

In one study an injection site transfer was designed to shorten the latency period between the injection of the carcinogen and tumor development.

One hundred 7-week-old C57BL/6 male mice were subcutaneously injected in the groin with 1.2 mg ECH (the maximum tolerated dose) in 0.1 ml tricaprylin. The number and schedule of doses were not reported.

Five weeks after the injections, the injection sites were excised, pooled, and minced in 6 ml Ringer's solution. The tissue was divided into 25 equal portions, and each was injected into a mouse of the same age and strain as the primary host.

The same methodology was followed with positive and negative controls, which were treated with dibenzpyrene (25 mg) and tricaprylin (0.1 mg), respectively.

Eighteen weeks after the transfer of injection sites, all animals were sacrificed and gross autopsies were performed. No tumors were detected in the ECH-treated group (24 of 25 survived) or in any of the other five test groups. Tumors were induced in 96 percent of the positive controls within 17 weeks of the site transfer.

In another study, groups of 50 CFl female mice and 50 A/He female mice were used to study the potential of ECH to induce lung adenomas.

One group of each strain of mice received a single intravenous injection of 1.2 mg ECH. Groups of 50 A/He and 50 CFl mice were used as controls. Negative controls received 0.2 cc Ringer's solution. Positive controls received 0.05, 0.1, or 0.5 mg dibenzpyrene.

Another test group of 20 CFl female mice received seven monthly injections of 1.2 mg ECH. Negative controls received a total of 1.4 ml Ringer's solution. No positive controls were used.

Mortality was low. Mice were sacrificed after 28 weeks. Their lungs were inflated with formaldehyde and inspected under a dissecting microscope for tumors visible on the lung surfaces. Histological sections of some tumors were taken.

The tumor incidence in the two studies is shown in Table 2. There was no significant increase in tumors in the ECH-treated group compared to the controls.

TABLE 2.—*Lung tumors in ECH-treated female mice*[1]

Dose	Incidence of lung tumors			
	CFl		A/He	
	Number	Percent	Number	Percent
Single intravenous dose				
1.2 mg ECH	5/46	10.9	10/45	22.2
0.2 cc Ringer's solution	7/48	14.6	7/48	14.6
7 intravenous doses				
1.2 mg ECH	5/18	27.8		
1.4 ml Ringer's solution	2/18	11.1		

(b) *Rat Studies.* Mason et al. (57) used 344 four- to six-week-old Fisher rats to test ECH and EG. For each compound, 200 animals were divided into groups of 80, 60, 40, and 20 that contained equal numbers of females and males. Mason subcutaneously injected these animals with ECH in saline twice weekly for 52 weeks. Dose levels of ECH administered were 10.0, 3.0, 1.0, and 0.3 mg/kg, respectively. The maximum tolerated ECH dose determined earlier in the study was 30 mg/kg. There were negative and vehicle (0.25 ml saline) control groups containing 60 rats of each sex.

Mortality in the ECH-treated group was 2 percent at 12 months and 7.5 percent at 18 months; this was comparable to control mortality. All animals were sacrificed at 12 or 18 months, as planned, and complete autopsies were performed. No retardation in weight gain occurred during the study. Tumors were grouped by injection site and other sites including pituitary (adenoma), adrenal, blood (leukemia), mammary glands, and uterus. Except for total tumors, frequencies were not tabulated by dose level, but only by sex for the pooled treated group. Tumor incidence for all sites is shown in Table 3.

TABLE 3.—*Tumor incidence in ECH-treated Fisher rats*[1]

Compound[103]milligram	Dose, per kilogram	Tumor-bearing animals			
		Male		Female	
		Number	Percent	Number	Percent
ECH	10.0	1/40	3	7/40	18
	3.0	1/30	3	9/30	30
	1.0	1/20	5	4/20	20
	0.3	0/10	0	1/10	10
Negative control	0	[3]5/60	8	[3]9/60	15
Vehicle control (0.25 ml saline)	0	[3]3/60	5	[3]9/60	15

[1] Data from Mason et al. (57).
[3] It was stated in the methods section and other places in the paper that there were 50 males and 50 females in each of the 2 control groups. However, this table and some others gave the number as 60 per sex for each control group. Percentages expressed in this table are based on groups of 60 rats.

Pituitary tumors occurred in 7 of 100 ECH-treated females (all dose levels) compared to 2 of 120 female controls ($p=0.049$). This strain of rats frequently has a high incidence of pituitary tumors in untreated controls. Therefore, the slight increase noted in this study may not be related to the treatment. No significant increase in tumors occurred at other sites or at all sites combined. No increase in pituitary tumors was seen in males.

The positive controls were divided into four groups of 20 females and 20 males. The first two groups received single subcutaneous injections of 10 and 3.3 mg/kg nickel sulfide, respectively. The other two groups received the same doses of nickel sulfide by a single intramuscular injection in the thigh. Mortality was high: 75 percent at 12 months and 90 percent at 18 months. Tumor incidences among the animals in the positive control groups were not given.

Ambrose (5) administered ECH in the diet of 35 young weanling rats in concentrations ranging from 0.01 to 0.24 percent. One group of five rats that were fed only the regular diet served as controls. Treatment continued for 220 to 403 days. Autopsies and histopathological studies were conducted. No tumors were noted.

3. *Ethylene glycol.*—a. *Mouse Studies.* The two Homburger oncogenicity studies (34) which were described above also tested for the oncogenicity of EG.

In the injection site transfer study, the methodology and controls were the same as described above under ECH.

Each mouse was administered 26 mg EG. Fifteen of 26 EG-treated mice survived. (Ten mice in one cage were found dead 8 weeks after the sites were transferred. The carcasses were too autolyzed for study.) No tumors were reported in the EG-treated group.

In the single and repeated intravenous injection studies, each mouse was administered 26 mg EG per injection. The methodology and control groups were the same as in the ECH intravenous study. Tumor increases are shown in table 4. There was no significant increase in tumor induction in the EG-treated group as compared to the controls.

TABLE 4.—*Lung tumors in female mice administered EG*[1]

Dose	Incidence of lung tumors			
	CFI		A/He	
	Number	Percent	Number	Percent
Single intravenous dose				
26.0 mg EG	5/48	10.4	8/41	19.5
0.2 cc Ringer's solution	7/48	14.6	7/48	14.6
7 intravenous doses				
26.0 mg EG	3/20	15		
1.4 ml Ringer's solution	2/18	11.1		

[1] Data from Homburger (34).

Berenblum and Haran (7) painted 4- to 5-month-old female inbred Swiss mice with EG. Two groups of 20 mice each received single applications of EG and 70 applications of croton oil or paraffin as a secondary treatment. The other two groups of 20 mice received 12 applications of EG before being painted 70 times with croton oil or paraffin. There was a 4-week interval between the primary and secondary treatment. The dosing schedule for the two treatments was not stated. Fifteen mice that were painted with EG 12 times received no secondary treatment. The applications were made on about 1 square centimeter of skin. The animals were observed for at least 43 weeks. The 15 mice that were not treated with a promoter all survived and had no papillomas. Survival for the four groups receiving secondary treatment ranged from 90 to 100 percent. No papillomas developed in the mice treated with EG only and one developed in each of the two groups treated with EG and croton oil. None of the mice were administered croton oil alone.

Deringer (16) painted the clipped interscapular area of 2.5- to 3.5-month-old male and female mice with EG twice a week for their lifetime. The dosage was not reported. Half of the 68 mice treated did not have hair. The controls were not treated; 100 had hair and 86 did not. The median survival time for both the treated and control groups was 22 months. There was no increase in tumor induction in the EG-painted group as compared to the controls.

Reyniers et al. (70) observed tumor induction and toxic effects in a colony of inbred germ-free albino mice that were placed on corncob bedding treated with EtO. It was not a controlled experiment. The treated bedding was introduced on December 15, 1961, and removed 150 days later on May 15, 1962. When the bedding was introduced, the colony consisted of 112 adult female, 79 adult male, and 10 suckling mice. The oldest animals of the colony were 605 days old, and four females were pregnant. No tumors were observed among an unspecified number of mice of different ages which were killed or died in 1961. The animals were free of polyoma viruses. However, following maintenance on EtO-treated corncob bedding and gross or microscopic examination, 86 percent of the surviving females from 300 to 900 days old were found to have tumors (table 5). The tumors were of a wide variety of types including sarcomas, carcinomas, and lymphomas. They appeared from 153 to 194 days after exposure. The high rate of mortality among the male mice early in the exposure period precluded assessment of tumor formations.

According to the authors, "the only change in colony maintenance was the accidental introduction of corncob bedding treated with EtO." Because other investigators had previously associated toxic effects with EG residues from bedding treated with EtO, the authors tested for and found EG in the EtO-treated bedding. However, they apparently did not attempt to determine whether other toxic compounds (e.g., EtO and ECH) were also present. Therefore, the data are not sufficient to identify the agent(s) responsible for tumor induction.

TABLE 5.—*Tumor incidence in females before and after exposure to ground corncob bedding treated with ethylene oxide*[1]

Age, days	100-200	200-300	300-400	400-500	500-600	600-700	700-800	800-900	Total mice
Before exposure									
Number of mice with tumors	0	0	0	0	0	.....	.....	.....	0
Number of mice	21	17	28	7	10	.....	.....	.....	83
After exposure									
Number of mice with tumors	0	0	1	3	11	25	17	5	62
Number of mice	11	2	1	8	13	26	20	5	86

[1] Data from Reyniers et al. (70).

Mason et al. (57) and described above were also used to test EG. The same methodology and control groups were used. Four dose groups received injections of 1,000, 300, 100, or 30 mg EG/kg. Mortality was 2 percent after 12 months and 5 percent after 18 months. The tumor incidence for all sites combined is shown in table 6. The incidence of tumors in the mice treated with EG was not higher than that of the controls.

TABLE 6.—*Tumor incidence in EG-treated Fisher rats*[1]

Compound	Dose, milligram per kilogram	Tumor-bearing animals			
		Males		Females	
		Number	Percent	Number	Percent
EG	1,000	2/40	5	6/40	15
	300	1/30	3	9/30	30
	100	2/20	10	3/20	15
	30	0/10	0	1/10	1
Negative control	0	5/60	8	9/60	15
Vehicle control (0.25 saline)		3/60	5	9/60	15

[1] Data from Mason et al. (57).

4. *Conclusions.* CAG has concluded that the information available is insufficient to judge the safety of EtO in regard to oncogenicity. Although most of the tests for oncogenicity have thus far been negative, further study of the possible oncogenicity of EtO is warranted for at least two reasons. First, CAG has concluded that EtO and its degradation product ECH are mutagens. There is a strong correlation between oncogenicity and mutagenicity. Secondly, chemicals which are structurally related to EtO have been reported to be oncogenic (2).

Following review of essentially the same data, the International Agency for Research on Cancer (38) similarly concluded: "Although no carcinogenic effect was observed, the data do not allow an evaluation."

The Ethylene Oxide Working Group concurs with CAG's conclusions and adds the following observations.

a. *Lymphatic leukemia.* Brewer et al. (13) presented data from Ehrenberg and Hallstrom that were described above. The occurence of one case of lymphatic leukemia among the group of 31 occupationally exposed people compared with none in the control group of 26 may have occurred by chance. However, the working Group requests epidemiological data on this and other types of cancer incidence among people occupationally exposed to EtO.

b. *Positive Ames test.* EtO belongs to the class of compounds termed alkylating agents. Alkylating agents which have been shown to be positive mutagens by the Ames test are frequently carcinogens in mammals. Recent data from the Stanford Research Institute (46) demonstrate that EtO was positive in the Ames test and had a positive dose-response relationship. This data has led the Working Group to suspect that EtO may also be an oncogen.

As previously noted, a carcinogen bioassay of EtO is underway. In addition, the New York University Medical Center is completing a long-term carcinogenicity study which includes ECH.

B. *Teratogenicity and fetotoxicity.*—1. *Ethylene chlorohydrin.*—a. *Avian study.* In 1974, Verrett (85) tested ECH for teratogenic and fetotoxic effects on chicken embryos by injecting the compound into the egg via the air cell. When the ECH was administered at 50, 25, 12.5, or 5 mg/kg following 96 hours of incubation, the incidence of teratogenicity and fetotoxicity collectively was significant at the $p<.05$ level for each of these doses compared to vehicle controls. There was a clear dose-response relationship.

b. *Mammalian study.* The positive result in chicken embryos prompted a study in mammals which was recently completed by Courtney (15). ECH did not produce fetal malformations in CD-1 mice whether administered in drinking water (10, 25, 50, 100, or 200 mg/kg/day) or by inhalation (50 or 100 mg/kg/day). The 100 mg/kg/day was the maximum tolerated dose for administration by intubation. The Working Group regards the results in mice to be a more reliable test of this possible effect. Therefore, there is no indication that ECH poses

human risk as to teratogenicity and fetotoxicity.

2. *Ethylene oxide.* The Working Group is not aware of any study on the teratogenicity or fetotoxicity of EtO. Because a large number of EtO sterilization equipment operators are likely to be women of childbearing age, the Working Group believes that teratogenicity and fetotoxicity testing in mammals should be conducted.

C. *Neurotoxic effects.* The following studies suggest that EtO may cause adverse effects on the nervous system. However, more information is needed in order to assess the histopathology of the nervous system of animals exposed to EtO. It is extremely important that the Agency receive all data concerning possible neuropathy among users of EtO.

1. *Ethylene oxide.* Joyner (45) examined 37 workers who had been occupationally exposed to 5-10 ppm EtO for an average of 10.7 years. There were no statistically significant increased incidences of the several nervous system diseases observed in the exposed group compared to the control group.

Hollingsworth et al. (33) studied the effects of EtO on various species by exposing the animals to EtO-contaminated air for 7 hours a day, 5 days a week. Rats, rabbits, and a monkey exposed to 357 ppm (0.64 mg/liter) EtO for up to 85 days developed impairment of sensory and motor functions of the lumbar and sacral region and paralysis and muscular atrophy of the hind limbs. Each of two pairs of monkeys exposed to 357 ppm for 60 days and 140 days, respectively, also exhibited these impairments. In addition, their reflexes were either poor or absent and their sensation of pain in their hind quarters was greatly reduced. All these effects developed late in the exposure regimen and were reversible. The normal cremasteric reflex was elicited, and the test for the extensor reflex of the soles of the hind feet was negative. These signs are consistent with the existence of a peripheral neuropathy. No micropathology was evident. Guinea pigs exposed to 357 ppm EtO for 176 days did not appear to develop neurological impairment.

Two monkeys exposed to 204 ppm EtO for 176-226 days displayed neurological signs qualitatively similar to those just described with the exception that a positive Babinski's sign was elicited. This suggests that there was a disorder of the pyramidal tract in addition to a peripheral neuropathy. At the same level of exposure, rabbits developed slight to extreme paralysis of the rear legs. No impairment of the nervous system was observed in rats and guinea pigs exposed to 204 ppm EtO in the air. None of the species tested exhibited neurological abnormalities at 113 ppm or 49 ppm.

Similar effects have been observed in humans following misuse of EtO. During a less than 1-year period in 1975-76, there were three EtO sterilizer users hospitalized with neuropathy of the lower limbs. Clinical observations and followup indicated that these effects were reversible (42).

2. *Ethylene Chlorohydrin.* Kovyazin (50) reported that mongrel male rats exposed to 10¢0.4 mg/m³ ECH for 4 months developed signs indicating damage to the central nervous system (CNS). "Vegetative" and "microorganic disorders" of the CNS were observed in workers (18.9 percent of 113) who had 2 to 7 years of exposure to 4 to 10 mg/m³ ECH.

D. Sensitivity and Hypersensitivity

EtO sterilization residues, collectively, may be a serious problem to hypersensitive people (see anaphylactic reaction reported by Poothullil et al. (67) and described below). Because of the nature of this specific exposure, the Working Group is referring this finding to FDA.

Three of the eight people tested showed sensitivity (77) with almost the same latency period. Data pertaining to ECH and EG that are presented in this part indicate that these degradation products do not independently elicit this delayed toxic effect.

1. *Ethylene Oxide.* Woodard et al. (90) administered EtO dermally (0.5 ml of 1 percent) or intracutaneously (0.5 ml of 0.1 percent) to separate groups of 10 male guinea pigs three times a week for 3 weeks. Results were negative.

Sexton et al. (77) exposed the forearms of eight human subjects to aqueous solutions of EtO. Following a varying regimen of topical dermal exposure to between 1 and 100 percent EtO for between 18 seconds and 60 minutes, three cases of sensitivity were observed (two after 19 days and one after 20 days). This was evidenced by pruritus and erythema with slight edema.

Thiess (82) applied 1 percent EtO to the skin of 30 production plant workers who had an average of 10.4 years of occupational exposure. There was no evidence of sensitization.

Royce et al. (74) observed that occupational dermatitis was caused by EtO. The Working Group requests information as to the frequency of this condition among users of EtO.

2. *Ethylene Chlorohydrin.* Lawrence et al. (54) intradermally injected groups of five Hartley strain guinea pigs (0.1 ml of a 10 percent ECH solution or 0.1 ml of a 5 percent ECH solution) with Freund's complete adjuvant. After 1 week, a 10 percent ECH solution was applied topically. After an additional 2 weeks, ECH was applied topically and an occluding bandage was attached for 1 day. Results were negative.

Woodard et al. (90) administered ECH dermally (0.5 ml of a 1 percent solution) or intracutaneously (0.5 ml of a 0.1 percent solution) to separate groups of 10 male guinea pigs three times a week for 3 weeks. Results were negative.

3. *Ethylene Glycol.* Woodard et al. (90) also administered EG as described above and obtained negative results.

4. *EtO Sterilization Residues.* Poothullil et al. (67) reported an anaphylactic reaction in a patient which they attributed to EtO residues from a kidney machine sterilized with EtO. The Working Group is referring this information to FDA.

E. Reproductive Effects of Ethylene Glycol

The information summarized in this part suggests a possible link between exposure to EG and decreased fertility in mice. However, the levels administered were either extremely high or lacked quantification. The Working Group noted the dramatic change in fertility of the mouse colony as well as the lack of experimental design in Reyniers' study.

Elis et al. (21) administered EG orally (0.4 or 0.1 percent of the parenteral LD_{50}) to mice for 18 days. When compared to negative controls, both groups showed a marked decrease in the number of newborns per exposed female.

Reyniers et al. (70) observed inbred germ-free albino mice that were accidentally exposed to EtO-treated corncob bedding.[3] They noted that the colony failed to reproduce despite increased matings. This trend was established prior to the incidence of a high level of mortality among males which developed approximately 4.5 months from the beginning of maintenance on the treated bedding. The population included 112 females and 79 males with a demonstrated history of successful matings.

Blood (10) administered 0.2 and 0.5 percent EG in diets of two male and one female rhesus monkeys, respectively, for 3 years. There were no histopathologic effects in the testes or ovaries.

F. Hematological Effects

Available data indicate that EtO, ECH, and EG may cause certain effects in blood.

1. *Ethylene Oxide.* Ehrenberg and Hallstrom (13) examined 31 people occupationally exposed to 1 ppm EtO in air (67) for an average of 15 years. Compared with a control group of 26, the lymphocyte counts were significantly elevated at the $0.05>p>0.001$ level. There were also three cases of anisocytosis and one case of lymphatic leukemia in the exposed group and none in the controls. This latter effect is more fully discussed in the section on oncogenicity.

Short-term EtO exposure to rats via intraperitoneal injection or inhalation (13) showed the opposite effect: significantly decreased lymphocyte counts. This result followed administration of 50 mg EtO/per kg of body weight in a single dose and 3 hours of exposure to 850 mg EtO per cubic meter of air, respectively.

Hollingsworth et al. (33) observed lymphocytosis in humans after excessive acute exposure to EtO vapor.

Joyner (45) reported a considerable elevation in white blood cell counts in people exposed to EtO for an average of 10.7 years. After assuming that there is a standard deviation of 1,800 white blood cells per cubic millimeter or a coefficient of variation of 30 percent, Ehrenberg (20) described Joyner's averages as highly significant. However, Union Carbide has now submitted the raw data which indicate the mean values were in arithmetical error and that there was no effect (43).

2. *Ethylene Chlorohydrin.* Woodard (90) observed an increased leucocyte count in rats after they were subcutaneously injected with 3 to 27 mg ECH/kg for 30 days.

Lawrence et al. (54) observed a significant increase in rat lymphocytes after the animals were intraperitoneally injected with 12.8 mg ECH/kg three times a week for 3 months.

Oser et al. (65) administered 30, 45, or 67.5 mg ECH/kg body weight/day to weanling albino rats (FDRL strain) for 42 and 90 days. Total and differential leukocyte counts were not affected in any group. This blood parameter was also unaffected in pure-bred beagle dogs maintained for 90 days on 600, 900, or 1,350 ppm ECH in the diet. In addition, monkeys (*Macaca mulatta*) administered 30, 45, or 62.5 mg ECH per kg body weight per day showed considerable hematological variation that was within the normal range.

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[3] These observations are listed under EG because it was present in the bedding material. The levels at which EG was present were not indicated and the bedding was not analyzed for EtO or ECH.

3. *Ethylene Glycol.* Allen (3) reported hemorrhagic diathesis in several strains of male mice after they were maintained for 6 months on pine shavings sterilized with EtO. Reyniers et al. (70) also noted hemorrhaging in male mice maintained on EtO-treated corncob bedding.

Kozlenchkov (51) reported leukocytosis in all 48 observed humans who ingested large quantities of EG in a short period of time.

Woodard (90) reported an elevated leukocyte count in rats and increased hematopoiesis in dogs that were subcutaneously injected with from 50 to 450 mg EG/kg for 30 days.

Moriarty et al. (61) noted highly elevated white blood cell counts in humans that had accidently ingested EG.

APPENDIX A.—SPECIFIC CLASSES OF ITEMS STERILIZED WITH EtO WITHIN HOSPITALS OR HEALTH CARE FACILITIES

Anesthesia equipment (masks, bags, tubing, and breathing circuits).

Camera, photographic equipment, lenses, and lamps.

Catheters.

Diagnostic equipment (X-ray cassettes, blood pressure cuffs, and stethoscopes).

Fiberscope (including broncho-, duodeno-, gastrointestinal-, and laparoscopes).

Implantable prosthetic devices.

Laboratory equipment (microscope, endotracheal tube, elastic bandage, hemodialysis coil, venoclysis set, thermometers, PVC oxygen tents, incubators, resuscitation equipment, foam and floatation pads, sigmoidscope specula, epidural cannula, tracheostomy tube, gun rubbermouth prop and dental dam, various syringes including ear).

Respiratory therapy equipment (nebulizer bacteria filters, respirator tubing, spirometer, mask, heart-lung oxygenator machines, humidifier, electronic nebulizer).

Surgical equipment (skin scribe pen, nerve locater/stimulator, mercury-filled equipment, electronic defibrillator equipment, cautery and electorsurgical equipment, cryoextractor, air instrument hand pieces and accessories, air supply hose, eye knives).

Surgical supplies (examination glove and finger cots, oral adhesive bandage, gelfoam, endospiral tube, tracheostomy tube, nasal airway tube, tape, sutures (catgut, silk, cotton, and nylon) ampules, vials, and stoppers/caps/closures).

Telescopic instruments (broncho- and cystoscopes, electrotomes, and endo-, ophthalmo-, and proctoscopes).

Transducers (pressure, blood flow, and associated cable).

Tubing (natural rubber, polyethylene, polyvinylchloride, latex rubber).

Miscellaneous (dilators, electric cords, hair clippers, pumps, motors, and items from isolation rooms, such as books, toys, blankets, furniture, phones, and TV sets).

Source: Department of Health, Education, and Welfare.

APPENDIX B.—SECTION 24(c) REGISTRATIONS OF PRODUCTS CONTAINING ETHYLENE OXIDE

(1) NJ-770003 (EPA SLN No.); registered to: New Jersey Department of Agriculture; treatment: bee equipment/bee diseases; issued: March 21, 1977; product: Carboxide (10 percent Ethylene Oxide), EPA Reg. No. 10330-6.

(2) WV-770004 (EPA SLN No.); registered to: West Virginia Department of Agriculture; treatment: bee equipment/foulbrood disease; issued: July 13, 1977; product: Oxicarb (No EPA Reg. No.—new product).

(3) VA-760014 (EPA SLN No.); registered to: Virginia Department of Agriculture and Commerce; treatment: For control of *Bacillus* larvae or other pests of honeybees; issued: December 10, 1976; product: Bee Gas Sterilant Mix (No EPA Reg. No.—new product).

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**** PRODUCT SEARCH LISTING ****

08/30/77 FEDERALLY REGISTERED PRODUCTS CONTAINING ETHYLENE OXIDE

REGISTRANT *NAME AND ADDRESS*

* 009417 ANDERSEN PRODUCTS INC
45 E MAIN ST
OYSTER BAY NY 11771

********** PRODUCT NAME **********

**00001* ANPEOLENE STERILIZER

**00003* ANPEOLENE

REGISTRANT *NAME AND ADDRESS*

* 009418 ADVANCED INSTRUMENTS INC.
1000HIGHLAND AVE.
NEEDHAM HEIGHTS MA 02194

********** PRODUCT NAME **********

**00001* MARK III ADVANCED GAS STERILIZER

REGISTRANT *NAME AND ADDRESS*

* 010330 UNION CARBIDE CORPORATION
LINDE DIV-MAT SERC GAS OFFICE
51 CRAGWOOD ROAD PO BOX 372
SO. PLAINFIELD, NJ 07080

********** PRODUCT NAME **********

**00001* OXYFUME STERILANT 20

**00003* LINDE OXYFUME STERILANT 80

**00005* OXYFUME 12 FUMIGANT STERILANT

**00006* CARBOXIDE FUMIGANT-STERILANT

**00011* OXYFUME STERILANT 30

REGISTRANT *NAME AND ADDRESS*

* 011491 LIQUID CARBONIC CORPORATION
135 S LASALLE ST
CHICAGO IL 60603

********** PRODUCT NAME **********

**00001* ETHYLENE OXIDE 10% AND CARBON DIOXIDE STERILIZING GAS

**00002* ETHYLENE OXIDE & FREON-12* STERILIZING GAS

**00003* ETHYLENE OXIDE AND CARBON DIOXIDE MIXTURE

**00004* ETHYLENE OXIDE OXIRANE

**** PRODUCT SEARCH LISTING ****

08/30/77 FEDERALLY REGISTERED PRODUCTS CONTAINING ETHYLENE OXIDE

REGISTRANT *NAME AND ADDRESS*

* 019220 ANDEX-CORPORATION
3 KANE INDUSTRIAL DRIVE
HUDSON, MA 01749

********** PRODUCT NAME **********

**00001* STERI DOME CARTRIDGE FOR AUTOMATIC GAS STERILIZER

REGISTRANT *NAME AND ADDRESS*

* 028472 AIR PRODS & CHEM INC
SPECIALTY GAS DEPT TECH MKTG
733 WEST BROAD STREET
ZAMAUS, PA 08252

********** PRODUCT NAME **********

**00003* STERILIZING GAS ETHYLENE OXIDE 100%

**00004* STERILIZING GAS MIX ETHLENE OXIDE 80%

**00006* STERILIZING GAS MIX ETHYLENE OXIDE 10%

**00007* STERILIZING GAS MIX ETHYLENE OXIDE 20%

**00008* STERILIZING GAS MIX ETHYLENE OXIDE 12%

REGISTRANT *NAME AND ADDRESS*

* 032462 LIQUID AIR INC
INDUSTRIAL AIR PRODUCTS DIV 3200 NW YEON
PORTLAND OR 97210

********** PRODUCT NAME **********

**00001* ETHYLENE OXIDE & REFRIGERANT STERILIZING GAS

REGISTRANT *NAME AND ADDRESS*

* 034782 BIG TREE INDUSTRIES INC
P O BOX 3047
HOUSTON, TX 77001

********** PRODUCT NAME **********

**00002* ETHYLENE OXIDE AND CARBON DIOXIDE STERILIZING GAS MIXTURE (10% BY

**** PRODUCT SEARCH LISTING ****

08/30/77 FEDERALLY REGISTERED PRODUCTS CONTAINING ETHYLENE OXIDE

REGISTRANT *NAME AND ADDRESS*

* 000087 PENNSYLVANIA ENGINEERING COMPANY
1119-21 N SCHAFER ST
PHILADELPHIA PA 19123

********** PRODUCT NAME **********

**00009* PENNGAS STERILIZING GAS

**00010* ETHYLENE OXIDE 100%

REGISTRANT *NAME AND ADDRESS*

* 001016 UNION CARBIDE CORPORATION AGRICULTURAL PRODUCTS
1730 PENNSYLVANNIA AVE N W
WASHINGTON DC 20006

********** PRODUCT NAME **********

**00011* ETHYLENE OXIDE

REGISTRANT *NAME AND ADDRESS*

* 005573 BEN-VENUE LABS INC
270 NORTHRIDGE RD
BEDFORD OH 44014

********** PRODUCT NAME **********

**00001* STERIBULB

**00002* BENVICIDE

**00003* BENVICIDE-12 GASEOUS STERILIZING AGENT

REGISTRANT *NAME AND ADDRESS*

* 006408 CASTLE CO(DIV OF SYBRON CORP RES MGR
1777 E HENRIETTA RD
ROCHESTER NY 14623

********** PRODUCT NAME **********

**00003* CASTLE 16 30 ETHYLENE OXIDE GAS

REGISTRANT *NAME AND ADDRESS*

* 007182 THREE M COMPANY
MEDICAL PROD. DIV/ ATTN: REGULATORY AFFAIRS
3M CENTER BLDG 230 3
ST PAUL, MN 55101

********** PRODUCT NAME **********

**00001* STERI-GAS CARTRIDGE 4-134

**** PRODUCT SEARCH LISTING ****

08/30/77 FEDERALLY REGISTERED PRODUCTS CONTAINING ETHYLENE OXIDE

REGISTRANT *NAME AND ADDRESS*

* 007256 MATHESON GAS PRODUCTS DIV.
WILL ROSS INC
2727 W. GOOD HOPE ROAD
MILWAUKEE WI 53209

********** PRODUCT NAME **********

**00002* STERILIZING GAS MIXTURE (20%)

**00004* STERILIZING GAS MIXTURE (10%)

**00005* STERILIZING GAS MIXTURE (12%)

REGISTRANT *NAME AND ADDRESS*

* 008335 NEW ENGLAND IND. CHEMICAL CORP.
66 CUMMINGS PARK
WOBURN, MA 01801

********** PRODUCT NAME **********

**00002* APC STERI-GAS CARTRIDGE

REGISTRANT *NAME AND ADDRESS*

* 008417 ALCOLAC INCORPORATED
3440 FAIRFIELD ROAD
BALTIMORE, MD 21226

********** PRODUCT NAME **********

**00010* ETHYLENE OXIDE

REGISTRANT *NAME AND ADDRESS*

* 008942 BURDETT OXIGEN OF CLEVELAND INC
3300 LAKESIDE AVENUE
CLEVELAND OH 44114

********** PRODUCT NAME **********

**00002* ETHYLENE OXIDE (10%) CARBON DIOXIDE (90%) STERILANT

**** PRODUCT SEARCH LISTING ****

08/30/77 FEDERALLY REGISTERED PRODUCTS CONTAINING ETHYLENE OXIDE

**CONTINUE REGISTRANT 034782

**00003* ETHYLENE OXIDE AND DICHLORODIFLUOROMETHANE MIXTURE

**00004* ETHYLENE OXIDE AND CARBON DIOXIDE STERILIZING GAS MIXTURE (20% BY

****

REGISTRANT *NAME AND ADDRESS*

* 035084 MG SCIENTIFIC GASES
DIV OF MG TECHNICAK PRODUCTS, INC.
1100 HARRISON AVE KEARNY, NJ 07029

********** PRODUCT NAME **********

**00001* STERILIZING GAS

****

REGISTRANT *NAME AND ADDRESS*

* 001989 SANCO PROD CO
DIV OF SANITARY SPLY & CHEM CO INC
1810 SEVENTH ST IND BLVD
MACON, BA 31206

********** PRODUCT NAME **********

**00012* SANCO DIAZINON SPARY CONCENTRATE

**** PRODUCT SEARCH LISTING ****

08/30/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING ETHYLENE OXIDE

****

REGISTRANT *NAME AND ADDRESS*

* 014572 HYGENIC CHEMICAL COMPANY
3364 S ROBERTSON BLVD
LOS ANGELES CA 90034

********** PRODUCT NAME **********

**05199* HYGENIC MIGHTY MACK BOWL & PORCELAIN ENAMEL CLEANER-DISINFECTANT

****

REGISTRANT *NAME AND ADDRESS*

* 1258 OLIN CORP.
120 LONG RIDGE RD
STAMFORD, CT 06904

********** PRODUCT NAME **********

**1258-OIO* OLIN ETHYLENE OXIDE

**** PRODUCT SEARCH LISTING ****

08/30/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING ETHYLENE OXIDE

****

REGISTRANT *NAME AND ADDRESS*

*9417 H.W. ANDERSON PRODUCTS, INC.
45 EAST MAIN ST.
OYSTER BAY, NY 11771

********** PRODUCT NAME **********

9417-U 89-11 STERILIZING GAS

****

REGISTRANT *NAME AND ADDRESS*

*34078 PRECISION GAS PRODUCTS, INC
681 MILL ST.
RAHWAY, NJ 07065

********** PRODUCT NAME **********

**34078-E* STERILIZING GAS MIXTURE II

**34078-G* STERILIZING GAS MIXTURE III

**34078-R* STERILIZING GAS MIXTURE I

****

REGISTRANT *NAME AND ADDRESS*

*36736 ARC CORPORATION
P.O. BOX 180
SLATE HILL, NY 10973

********** PRODUCT NAME **********

**36736-R* ETHYLENE OXIDE (100% ETHYLENE OKIDE)

****

REGISTRANT *NAME AND ADDRESS*

*38719 AIRCO, INC.
AIRCO INDUSTRIAL GASES DIVISION
RARE AND SPECIALTY GASES DEPARTMENT
575 MOUNTAIN AVENUE
MURRAY HILL, NJ 07974

********** PRODUCT NAME **********

**38719-E* 20% ETHYLENE OXIDE, 80% CARBON DIOXIDE GAS STERILIZING

**38719-G* 12% ETHYLENE OXIDE, 88% DICHLORODIFLUOROMETHANE GAS STERILIZING

**38719-R* 10% ETHYLENE OXIDE, 90% CARBON DIOXIDE GAS STERILIZING

[FR Doc. 78-1703 Filed 1-25-78; 8:45 am]

federal register

FRIDAY, JANUARY 27, 1978
PART IV



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ATLANTIC BILLFISHES AND SHARKS

Preliminary Fishery Management Plan

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ATLANTIC BILLFISHES AND SHARKS

Preliminary Fishery Management Plan

In accordance with the Fishery Conservation and Management Act of 1976 ("the Act"), the Secretary of Commerce has been notified by the Secretary of State that Cuba has submitted an application to fish for sharks with longline gear within the fishery conservation zone (FCZ) off the Atlantic Coast. The Secretary has determined that the fishery management plans for Atlantic billfishes and sharks now being prepared by several Regional Fishery Management Councils, pursuant to Title III of the Act, will not be ready for implementation during 1978 and, therefore, has prepared the Preliminary Fishery Management Plan (PMP) Atlantic Billfishes and Sharks in accordance with section 201(g) of the Act.

A notice of availability of the final environmental impact statement on the proposed implementation of the PMP was published in the FEDERAL REGISTER on November 4, 1977 (42 FR 57716). The PMP has been approved under appropriate delegations of authority from the Secretary of Commerce to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

The PMP contains conservation and management measures applicable to foreign fishing for billfishes and sharks in the FCZ in the Atlantic, the Gulf of Mexico, and the Caribbean, and, when implemented, shall remain in effect until superseded by an approved and implemented fishery management plan(s).

Proposed implementing regulations to govern foreign fishing for billfishes and sharks under this PMP were published in the FEDERAL REGISTER on January 24, 1978, for public comment. All comments received by February 20, 1978, will be considered in preparing final regulations. Copies of the PMP, final environmental impact statement, and proposed regulations are available for public inspection at the following locations:

Environmental Science Information Center Library, Page Building 2, Room 193, 3300 Whitehaven Street NW., Washington, D.C. 20235.

William Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, NOAA Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

William Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: January 19, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

PRELIMINARY FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISHES AND SHARKS

U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE

Southeast Fisheries Center, 75 Virginia Beach Drive, Miami, Fla. 33149, and Southeast Regional Office, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

January 1978

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I. INTRODUCTION

This document presents a preliminary fishery management plan for Atlantic billfishes and sharks describing the possible effects on human environment of implementing the management plan. The preliminary management plan has been prepared under authority of the Fishery Conservation and Management Act of 1976 (FCMA) and a Final Environmental Impact Statement has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).

NEPA sets forth the strategy of the Congress to achieve coordination of Federal activities and environmental consideration. NEPA's basic purpose is to ensure that Federal Officials weigh and give appropriate consideration to environmental values in policy formulation, decisionmaking, and administrative actions, in addition to technical and economic considerations. Section 102(2)(C) of NEPA requires preparation of a detailed environmental impact statement in the case of major Federal actions that may significantly affect the quality of the human environment.

The Fishery Conservation and Management Act of 1976 (P.L. 94-265) provides for the conservation and management of fishery resources of the United States by establishing a fishery conservation zone of 200 nautical miles, within which the United States has exclusive management authority over all fishery resources except highly migratory species of tunas. The Act calls for the preparation and implementation of fishery management plans, through which the objectives of a National Fishery Management Program may be accomplished.

Although the Act exempts tunas from the expansion of U.S. jurisdiction over fisheries resources, the Act does define "fishing" to include any "activity which can reasonably be expected to result in the catching, taking, or harvesting of fish" (Sec. 3(10)). Since billfish and sharks fall within the definition of "fish" (Sec. 3(6)), and the Act does not provide an exemption for incidental take, billfish and sharks taken incidental

to the catch of tuna by foreign vessels can be regulated within the FCZ.

The fishery management plans provide the basis for regulating harvest, predicated on scientific information and involving the needs of the States, The commercial fishing industry, recreational groups, consumers, environmental organizations, and other interested parties. In essence, the allowable catch of any fishery resource will be based on the optimum yield from that resource.

Foreign nations will be allowed to take only that portion of the optimum yield which cannot be harvested by U.S. vessels. The Act further outlines a specific application, licensing, permitting, and enforcement procedure regarding the participation of foreign nations in any U.S. fishery.

II. Description of the Proposed Action

A. Fishery Management Under Extended Jurisdiction

The Fishery Conservation and Management Act provides that the Secretary of Commerce must prepare preliminary fishery management plans when applications are received from foreign nations for permission to fish in the new fishery conservation zone, provided that no fishery management plan will be prepared by a regional fishery management council prior to March 1, 1977. This document is such a preliminary fishery management plan.

A preliminary management plan describes the fishery, provides a preliminary estimate of the optimum yield, the U.S. capacity, and the total allowable level of foreign fishing (if any). In addition, the preliminary plan contains permit requirements for foreign fishing vessels, as well as data reporting procedures that must be met during fishing activities.

Preliminary management plans become effective March 1, 1977 or thereafter, and remain in effect until superseded by approved Regional Fishery Management Council plans or Secretarial plans. Regulations implementing preliminary management plans may be promulgated by the Secretary.

A foreign nation begins entry into a U.S. fishery through the signing of a Governing International Fishery Agreement prior to making formal application for fishing rights. This agreement acknowledges the exclusive fishery management authority of the United States and forms a binding commitment on that nation to comply with the terms and conditions specified under the Act.

The Secretary of State, in cooperation with the Secretary of Commerce, determines that allocation of the total allowable surplus the applicant will receive.

B. Environmental Setting

1. Geophysical Setting

Fishing for billfishes and sharks in the Gulf of Mexico and Atlantic Ocean is mostly in oceanic waters varying in depth from 100 meters to well over 1,000. Bottom topography plays a relatively unimportant role since the fishery is essentially a surface fishery. However, canyons, seamounts, and other major geographical configurations are distinctive features in the area where the fishery is most intense.

2. Biological Systems

The open ocean pelagic environment is inhabited by predators such as tunas, billfishes and sharks. Other important sport fish, however, are found in association with tunas, billfishes, and sharks. These include dolphin-fish (*Coryphaena hippurus*), wahoo (*Acanthycybium solanderi*), king mackerel (*Scomperomorus cavalla*) and great barracuda (*Sphyraena barracuda*). The principal species taken by the Atlantic pelagic longline fishery are listed on page 4. Except possibly for some mid-water fishes or some of the squids, no other resource presently of equal commercial importance exists in the same area or at the same seasons as these pelagic fishes. Marine mammals are rarely associated with billfishes.

List of Principal Species Taken by the Atlantic Pelagic Longline Fishery

TUNAS

Yellowfin tuna, *Thunnus albacares.*
Albacore, *Thunnus alalunga.*
Bluefin tuna, *Thunnus thynnus.*
Bigeye tuna, *Thunnus obesus.*
Skipjack tuna, *Euthynnus pelamis.*
Blackfin tuna, *Thunnus atlanticus.*

BILLFISHES

Sailfish, *Istiophorus platypterus.*
Blue marlin, *Makaira nigricans.*
White marlin, *Tetrapturus albidus.*
Longbill spearfish, *Tetrapturus pfluegeri.*
Swordfish, *Xiphias gladius.*

SHARKS

Longfin mako, *Isurus paucus.*
Blue shark, *Prionace glauca.*
Shortfin mako shark, *Isurus oxyrinchus.*
Night shark, *Hypoprion signatus.*
Oceanic white tipshark, *Carcharhinus longimanus.*
Scalloped hammerhead shark, *Sphyrna lewini.*
Silky shark, *Carcharhinus falciformis.*
Thresher shark, *Alopiasvulpinus.*
Tiger shark, *Galeocerdo cuvieri.*
Bignose shark, *Carcharhinus altimus.*
Porbeagle shark, *Lamna nasus.*
Spinner shark, *Carcharhinus maculipinnis.*
Bigeye thresher shark, *Alopias superciliosus.*
Great hammerhead shark, *Sphyrna mokarran.*
Smooth hammerhead shark, *Sphyrna zygaena.*
Galapagos shark, *Carcharhinus galapagensis.*

OTHERS[1]

Dolphin, *Coryphaena hippurus.*
King mackerel, *Scomberomorus cavalla.*
Wahoo, *Acanthocybium solanderi.*
Great barracuda, *Sphyraena barracuda.*

3. Social and Economic Setting

Although a variety of species are caught by the pelagic foreign longline fishery, tunas and billfishes are of primary importance to the United States, and sharks are of increasing importance. The recommendations of this plan are made primarily with respect to management requirements for billfishes and sharks, but the recommendations are consistent with the requirements for other fishes associated with tunas, billfishes and sharks. The management requirements of tuna are not addressed in the plan, since highly migratory species are excluded from U.S. management authority by the Fishery Conservation and Management Act.

Billfishes and sharks are among the most sought after targets of the deep-sea angler. Consequently, a great deal of attention is focused on these fishes by anglers and conservation groups. Although billfishes (with the exception of swordfish) are not commonly utilized for food along the Atlantic and Gulf coasts, they are desirable as food in the Caribbean and frequently command a high price. Billfishes and sharks are also a significant and valuable by-catch of the tuna longline fishery. Tuna longline fisheries in the Fishery Conservation Zone (FCZ) of the United States are carried out primarily by Japan. South Korea and Taiwan also have tuna longline fleets in the Atlantic, but presently fish mainly in the equatorial and south temperate oceans.

The U.S. swordfish fishery, although relatively small, is a valuable fishery in terms of price-per-unit-catch. One of the restraining factors on the domestic swordfish fishery is the present Food and Drug Administration (FDA) restriction on the interstate sale of swordfish containing more than 0.5 parts per million mercury. There is some evidence, however, that despite these restrictions, a considerable amount of swordfish is transported from southern landing areas to metropolitan markets in the northeastern United States where it commands a high price. Many of these landings are unreported and there are few accurate data on landings of swordfish in Canada or the United States. Undoubtedly, any easing or removal of present FDA restrictions would result in a dramatic expansion of the fishery and possible rapid declines in catch-per-unit-effort, average individual size, and economic return (Caddy, 1976). Swordfish are the target of the Canadian longline fishery off the New England coast of the United States.

Sportfishing for sharks is increasing rapidly in popularity. Shark fishing does not require a large initial investment and sharks are readily available along most coastal areas of the United States. Fishing for sharks is particularly popular off the eastern United States where organized shark fishing tournaments and shark fishing clubs are numerous.

4. Relevant Problems and Issues

Both foreign and domestic fishermen utilize billfishes and sharks in the Fishery Conservation Zone, but the stocks of these species also extend outside the zone. In addition, there is a history of conflict between foreign and domestic fishermen who occupy the same fishing grounds.

Other problems include the prevention of overfishing of the total stocks and the establishment of an optimum yield for the FCZ. One of the major problems in the billfish fishery is lack of information on the status of stocks. The Japanese catch and effort data (Table 1, Figures 1, 2, 3, 4) suggest changes in the abundance of billfish stocks, yet the adequacy of these data for determining the significance of these changes is in question because for the most part, the billfish catch is incidental to the directed fishery for tunas. The management recommendations in this plan are designed to minimize conflict between domestic and foreign users, encourage development of an international management regime, and maintain availability of billfishes and

[1] Any non-tuna species (e.g., dolphin, wahoo, etc.) not listed as being covered by this plan or other plans are prohibited species under Section 611.13 of the Foreign Fishing Regulations published in the Federal Register November 28, 1977, Volumn 42, No. 228.

maintain availability of billfishes and sharks to the expanding U.S. fisheries.

C. THE PRELIMINARY FISHERY MANAGEMENT PLAN

1. Preliminary Description of Fishery

a. Areas and stocks involved: The fishery for billfishes and sharks in the Atlantic Ocean and adjacent seas[2] is conducted primarily by those nations that maintain longline fleets. The foreign longline fishery operates throughout the entire range of all of the Atlantic billfishes. Wise and Davis (1973) show the distribution of billfishes in the area of the Japanese longline fishery.

Within the FCZ the main concentration of longline fishing effort is in the northern Gulf of Mexico in the spring and summer and off northeastern United States in summer and early fall as determined from published Japanese fishing records. Foreign longliners also fish within the FCZ off Puerto Rico but their effort and the catch of billfishes are minimal.

There is a small but growing longline fishery for swordfish by Canada and the United States off the New England coast in the summer. Fishing by U.S. vessels extends into the Gulf of Mexico and off the east coast of Florida during the winter months. Since 1975, Florida fishermen, including some of the ones displaced from the U.S. fishery for spiny lobsters in the Bahamas, have fished for swordfish off Florida. Both commercial and recreational fishermen are involved in this fishery. There is increasing interest and activity in fishing for swordfish in the Gulf of Mexico and along the South Atlantic coast of the U.S. The swordfish fishery is a night fishery and the catch of other billfishes is minimal.

Off the Gulf and Atlantic coasts of the United States there is a directed domestic sport fishery for billfishes operating within 200 miles of the coast. In the 1950's sport fishing for billfishes was concentrated in only a few areas along the Atlantic coast. Sport fishing in the Gulf of Mexico, for example, was almost nonexistent. In recent years, however, newer and faster fishing boats have provided more opportunities to fish for billfishes in areas where previously no fishing took place. Now, sport fishing for billfishes takes place from every state along the Atlantic and Gulf coasts south of Massachusetts as well as from Puerto Rico and the U.S. Virgin Islands (Austin, et al., 1976). Anglers from the United States also fish extensively in foreign waters with their own vessels as well as in chartered vessels of the host nation.

The sailfish is primarily a coastal species, while the spearfish and the two marlins are more oceanic in their habitat. The swordfish ranges throughout both areas but is probably found in greater concentrations relatively near land masses. In the western Atlantic there are apparently two stocks of blue marlin; one in the South Atlantic and one in the North Atlantic (Mather, Jones, and Beardsley, 1972). The stocks of white marlin also appear to be separate in the North and South Atlantic based on longline catch records and tag returns. Tag return data also suggest that there may be two or more stocks in the North Atlantic; one summering off the mid-Atlantic coast of the United States and the other in the Gulf of Mexico. Both of these groups apparently spend the winter off Venezuela (Mather et al., 1972). Tag returns from sailfish show mostly localized movements and relatively few long distance migrations. It is likely that separate stocks are present in the western halves of the North and South Atlantic although further partitioning with existing data is impossible. Nothing is known about the stock structure of the longbill spearfish. There is some evidence, although inconclusive, that separate races or sub-stocks of swordfish occur in the western North Atlantic. Beckett (1974) stated that although average size and catch rates in individual 1°-square areas dropped markedly after several seasons' fishing, expansion of fishing into adjacent unfished areas subsequently yielded larger fish and higher catch rates. In addition, slight differences in morphometric measurements have been detected, especially between fish from Georges and Grand Banks (Caddy, 1976).

Pelagic sharks have been taken for many years by sports fishermen from Maine to Texas. In this area, at least 20 species which exceed 100 pounds when fully grown are taken by anglers (J. Casey, NMFS, pers. comm.). Gentle (Masters Thesis, Univ. of Miami, 1977) lists sharks as one of the sport fishes of primary interest to fishermen on charterboats in Dade County, Florida. There is also a growing interest in recreational fishing for sharks throughout their range. Blue, mako, porbeagle, blacktip, silky, and dusky sharks are among the species most highly prized by recreational fishermen.

Meaningful stock assessment for shark populations in the area of concern is difficult for a variety of reasons. (1) There has never been a directed fishery on sharks sizeable enough to produce landings which might reflect the potential sustainable yield—most shark catches have been made incidental to other fisheries. (2) Many, probably most, of the sharks taken as incidental catches in U.S. fisheries have been discarded. In the era when shark livers were valued as vitamin sources (1938–50) livers were extracted at sea and the carcasses discarded. (3) Sharks taken in directed fisheries for use in manufacturing shark skin leather represented only small marginal operations at Salerno, Key West, and Marco, Florida, and in a few other areas.

b. Statistical history of exploitation: Prior to the entry of Japanese longline vessels into the Atlantic in 1956, the only fisheries for billfishes in the western Atlantic, other than sport fishing and some swordfish harpooning, were small subsistence fisheries throughout the Caribbean and off South America. Even sport fishing was limited to a few charterboats and a relatively small number of private vessels. In 1956 the Japanese first began longlining in the Atlantic and rapidly expanded their efforts; in 1965 they set almost 100 million hooks and caught almost 300,000 billfishes. The Japanese effort diminished considerably in the late 1960's and early 1970's. The entry of Cuba, South Korea, Taiwan, and Venzuela into the fishery more than made up for the decrease in Japanese effort (Kikawa and Honma, 1975). Table 1 shows the total catch of billfishes and the fishing effort in the entire Atlantic Ocean by the Japanese fleet from 1956 through 1974. The category sailfish includes the spearfishes since the Japanese do not discriminate between the two or more species. However, there is some evidence that most of the catch consists of spearfishes because the sailfish is mainly a coastal species and for the most part stays out of the range of high-seas longline operations. This is substantiated by a lack of tag returns of sailfish from commercial longliners. Table 2, taken from Kikawa and Honma (1975), shows the longline catch of billfishes (excluding swordfish) by countries other than Japan; fishing effort is not available for these vessels. However, vessels of South Korea and Taiwan did not fish within the U.S. Fishery Conservation Zone. Foreign (Japanese, South Korea, and Taiwanese) vessels take about 6% of their total billfish catch within the FCZ (Tables 1,2,12). It was necessary to estimate this figure, since the catches are reported by 5°-squares which do not conform exactly to the boundaries of the FCZ.

The swordfish fishery was initially a U.S. and Canadian harpoon fishery operating primarily off New England and the maritime provinces of Canada. Catches ranged between 725–2,800 metric tons up until 1963 when the longline method was introduced and landings went to almost 10,000 tons (Table 3). Landings began to decline steadily to a low of about 32 tons in 1971, a level prompted by the increasing concern and enforcement of the ban of swordfish containing mercury levels greater than 0.5 parts per million. However, catches have begun to increase since then.

Although it was not possible to estimate the foreign catches of sharks within the FCZ, there have been significant U.S. recreational catches of sharks documented for the FCZ since 1965 (Deuel and Clark, 1968; Deuel, 1973).

(c) Significance of the historic domestic fishery: The development of the U.S. sport fishery for billfishes and sharks in the Atlantic is well documented in various books and popular articles. The first billfish taken on rod and reel sport fishing gear was caught off Miami, Florida, some time around 1900. Since then the development of fishing gear, boats, techniques, and the expansion of both the number of anglers (See II C e (1), page 13) and the fishing grounds have been rapid. These activities have economic significance for local communities on the Atlantic Coast.

Fishing for billfishes is considered by most fishermen to be the ultimate test in saltwater sport fishing and therefore has developed a charisma and aura of grandeur about it that has been further enhanced by the writings of Hemingway, Zane Grey, and others. Partly because of this, the capture of billfishes by other than anglers for purposes other than the pure excitement of catching a billfish is viewed with disfavor by the sport fishing community. Competition for the available fish is increasing within the sport fishery itself and unsuccessful fishing days are often blamed on overfishing by foreign longline fleets.

d. Types and numbers of vessels employed: (1) Domestic.

In the U.S. sport fishery, billfishes and sharks are caught from a variety of vessels. Generally, vessels are from 20 to 60 feet long and the method of power ranges from outboard engines to large diesels. Marlin fishing, as opposed to sailfish fishing, usually requires a larger vessel with an inboard diesel engine because of the distance that has to be traveled to reach suitable fishing grounds. In many areas off the east and Gulf coasts of the United States, productive marlin waters may be as much as 60–75

[2] Unless otherwise noted, the term Atlantic includes the Caribbean Sea and Gulf of Mexico.

miles from shore, and sea conditions are frequently too rough for small vessels. Sailfish and sharks, however, are frequently caught within sight of land and are therefore well within range of small outboard powered vessels. Off the southeast Florida coast from Key West to Stuart, for example, large numbers of sailfish and some white marlin, blue marlin, and swordfish are caught each year by fishermen in outboard-powered vessels 16–25 feet long.

A 1968 survey of recreational fishermen from Massachusetts to Texas estimated that 2,468 vessels fished for billfishes from 50 ports (Austin et al., 1976). That survey indicated a large and growing recreational interest in billfishes and estimates were projected to 1975 and 1980. A September, 1976 poll of southeastern state conservation agencies estimated over 130,000 private and over 1,000 charter vessels capable of fishing for billfishes (Table 4). Ridgely (1975) estimated that in the Gulf and Atlantic regions, a total of 801,000 privately-owned recreational vessels fished in salt water. Although these several estimates provide a wide range of values, all indicate that the number of domestic recreational fishermen exploiting the billfish resource is large and the potential for capturing these billfishes is substantial.

The U.S. commercial fishery for swordfish is conducted by longline and harpoon vessels. U.S. longliners are generally much smaller than foreign longliners and set from 200–1,000 hooks per set as opposed to around 2,000 hooks by Japanese vessels. There are no accurate estimates available of the number of U.S. vessels participating in this fishery, but the number is probably between 50 and 100: about 50 "New England" and not more than 50 "Florida" vessels (J. Casey, NMFS, pers. comm.).

(2) Foreign. The number of foreign pelagic longline vessels operating in the Atlantic varies from year to year; however, it is likely that the number is between 100 and 300. The maximum number of foreign longline vessels that have been observed fishing in the FCZ of the United States varied from 1 to 13 in the Gulf of Mexico and from 3 to 15 in the South Atlantic coast for the years 1973–75 (Table 5). In 1977, however, almost 40 Japanese vessels were observed fishing in the Gulf of Mexico FCZ (Charles Fuss, NMFS, pers. comm.). Table 6 from Caddy (1976) gives the size and number of Canadian vessels landing swordfish in 1968–70.

e. Types and numbers of fishing gear employed: (1) Domestic.

Almost all sharks and billfishes, other than swordfish, are caught on rod and reel. Swordfish are caught by harpoons and longlines (commercial fishermen) and by rod and reel (sport fishermen). Since most billfishes and sharks are caught on rod and reel, the number of anglers is a minimum estimate of the amount of fishing gear employed.

In 1970 an estimated 63,000 persons fished for billfishes and caught about 235,000 of these fishes. Many of these fish were released alive. Additionally, an estimated 268,000 persons fished for sharks (including dogfish) and caught about 1,363,000 sharks (Deuel, 1973). Therefore, recreational fisheries for billfishes and sharks have substantial economic impact on U.S. coastal communities.

The number of billfish anglers has increased since 1970. Since 1971 the National Marine Fisheries Service has conducted daily dock sampling along the Gulf of Mexico in conjunction with tournament sampling throughout the Gulf, western North Atlantic, and Caribbean Sea. The results of these surveys are shown in Table 7. North Carolina State officials estimated that between 1970 and 1975 the number of vessels participating in billfish tournaments in Morehead City increased from 34 to 117 (North Carolina Wildlife Resources Commission, Division of Marine Fisheries, pers. comm.). In Puerto Rico the number of vessels participating in marlin tournaments increased from 14 in 1954 to 70 in 1975 (Donald Erdman, Department of Agriculture, Commonwealth of Puerto Rico, pers. comm.). Although exact figures are not available, Alabama, Florida, South Carolina and Texas have reported steady increases in the rate of recreational vessel acquisitions, many of a size and type suitable for billfishing. For example, in South Carolina the rate of vessel acquisitions increased 30% in the last 2 years, from a base of 5,500 vessels, whereas Florida registers almost half a million vessels annually.

(2) Foreign. Pelagic longline is the primary gear used by foreign tuna vessels with the FCZ. A typical piece of gear fished by a single vessel may stretch for 60–70 miles and fish as many as 2,000 hooks. The gear is set and hauled approximately once every 24 hours. Since the Japanese began fishing in the Atlantic in 1956, they have published records of the numbers of hooks fished and the number of each species caught by 5° square of latitude and longitude. The number of hooks fished by the Japanese in the Atlantic increased rapidly to a peak of 97.5 million in 1965 but since then has fluctuated around 40 million. With the entry of South Korea and Taiwan into the fishery in the late 1960's and a subsequent rapid buildup of their effort, the total number of hooks fished in the entire Atalntic by all participants at present is probably between 150 and 200 million. Within the FCA, the number of hooks fished by Japanese longline vessels has averaged 3.9 million (1970–74) and ranged from 1.4 million (1970) to 7.2 million (1971) in this 5-year period. At present, longline vessels of South Korea and Taiwan do not fish in the FCZ.

f. Historical impact of foreign fishing on domestic fishery: (1) Competition for available stocks.

The U.S. sport fishery for billfishes is seasonal, particularly for the marlins. Both the white and blue marlin stocks in the western North Atlantic make extensive seasonal migrations (Mather et al., 1972) and are available to U.S. fishermen off their shores for only part of the year. The longline fishery, however, is highly mobile and moves seasonally to follow the major concentrations of tunas. Sport fishermen frequently state that when longliners have been fishing in a particular area, sport fishing for billfishes is poor for some time afterwards.

(2) Gear conflicts. There are numerous areas along the Atlantic and Gulf coasts of the United States where U.S. sport fishermen come into direct contact with Japanese longliners. Some of these are in the Gulf of Mexico off Port Aransas, Texas, and the Mississippi Delta; off Cape Hatteras, North Carolina; and off New Jersey and Maryland. U.S. fishermen have reportedly destroyed longline gear, although there is no record of U.S. sport fishing gear being damaged by foreign fishermen (NMFS Enforcement Agent Reports, 1976, St. Petersburg). Conflicts between foreign commercial and U.S. sport fishermen reached a peak in the late 1960's and prompted private negotiations between representatives of the Japanese fishing industry and the U.S. sport fishing industry. These negotiations resulted in an informal understanding between the two parties that Japanese vessels would restrict their fishing to areas other than those where U.S. sport fishermen fished for billfishes, and to discourage the destruction of Japanese longline gear.

(3) Nontarget species mortalities. Billfishes and sharks are non-target species in the pelagic longline fishery; they are target species in the U.S. sport fishery. Swordfish are target species in the domestic harpoon and longline fisheries, the Canadian longline fishery and the U.S. sport fishery. Mather et al., (1972) estimated that the annual mortality rate for white marlin was 27% based on tag return data, and de Sylva (1957) indicated that sailfish have a high natural mortality rate based on his analysis of length frequency data. There are no data on the mortality rates of any of the species of sharks. Dolphin-fish, wahoo, and king mackerel are non-target species in the U.S. fishery for billfishes but comprise an important and often desirable portion of the catch. These species are also taken as incidental catch in the pelagic longline fishery, but amounts are unknown.

(4) Economic interactions. Work has been done on the economics of various coastal communities and also on the impact of fishing in some of these communities (Daniel, 1974; Marr., 1974). However, this information generally has not been applied to shark and billfish fisheries. The data that are available (Gentle, MS) indicate that the economic impact is significant.

g. History of Regulation of foreign fisheries:

The longline fishery, except for exclusion from the 12-mile zone was not regulated before 1975. In 1975 and 1976 the Japanese fishery operated under bluefin tuna regulations, promulgated by the International Commission for the Conservation of Atlantic Tunas (ICCAT). These regulations did not greatly affect the overall longline fishing effort and thus had little or no effect on the catch of billfishes.

h. History of cooperative research, conservation, and data exchange:

In recent years the only official exchange of billfish data between foreign and U.S. scientists took place at the Hawaiian International Billfish Symposium in 1972 and at annual meetings of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The Billfish Symposium drew together most of the scientists in the world who had worked or were working on billfishes. Most of the discussions dealt with billfish biology and there was very little information on status of stocks.

Each year the Standing Committee on Research and Statistics of ICCAT meets to discuss recent research and management problems for Atlantic tunas and billfishes. Both the U.S. and Japan have expressed concern over the declining catch rates for white and blue marlins. Unofficially, foreign and U.S. scientists routinely confer with each other over research activities and frequently exchange data.

Sharks have not received extensive attention as a fishery resource. The Anglo-American Caribbean Commission and the United Nations Fishery Development Program in the western North Atlantic have published reports and expedited data exchange on pelagic sharks. There has been a cooperative exchange of information on sharks between

the United States and Canada for many years. Currently 19 countries, including South Korea, Japan, Taiwan, Cuba, France, Mexico, Germany, Italy, Canada, and Venezuela, are cooperating with U.S. scientists in tagging and in recovery of tags to trace migrations of sharks.

2. Status of the Fishery Stocks

a. Distribution of exploited stocks: Wise and Davis (1973) showed the distribution of blue marlin in the Atlantic between 40° N. and 20° S. latitude based on catch records of the Japanese longline fleet. The major concentrations were in the western Atlantic. Mather et al. (1972) stated that the populations of blue marlin in the North and South Atlantic were probably distinct and hypothesized a July–Setember spawning season for the South Atlantic group.

The White marlin stocks also appear to be separate in the North and South Atlantic (Mather et al., 1972), although Wise and Davis (1973) demonstrated that considerable mixing probably takes place in January-March along the northern coast of South America based on the distribution of catches of the Japanese longline fleet. As with blue marlin, the major concentrations of white marlin occur in the western part of the Atlantic.

Mather et al. (1972) suggested an even further breakdown of the North Atlantic group of white marlin. Tag returns indicate that most of the white marlin in the western North Atlantic winter off the coast of Venezuela. In summer, one group migrates to the mid-Atlantic Bight off New Jersey and Maryland, while another group migrates to the northern Gulf of Mexico. A third group spends the summer off Venezuela. In the fall, the Gulf and mid-Atlantic groups begin their migration back to the wintering grounds off Venezuela.

The distribution of sailfish is difficult to determine from catch records of the longline fisheries since the Japanese include spearfish and sailfish in one category. The major concentrations of sailfish in the western North Atlantic, as determined from the sport fishery, occur off the southeastern coast of Florida, throughout much of the Caribbean, particularly off eastern Puerto Rico and Cozumel, Mexico; and in the northern and western Gulf of Mexico.

Wise and Davis (1973) found that the distribution of swordfish taken by the Japanese longline fishery does not vary significantly with season or locality. They advised caution in generalizing these findings, since swordfish apparently are night feeders and their findings were basen only on longline gear fished during daylight hours.

There is little information about the distribution of pelagic sharks. Tag returns from a few species, however, indicate extensive migrations occur.

b. Abundance of exploited stock: For analysis purposes the area north of the equator and west of 40° W. longitude is considered to encompass the entire range of stocks of billfish and sharks under consideration. This area is referred to as either the western North Atlantic or Northwest Atlantic. Catch rates of blue marlin, white marlin, and sailfish/spearfish, based on the Japanese longline data, are shown in Figures 1, 2, and 3. The Index Area referred to in the figures is an area in the Caribbean bounded by 50° W. longitude, 20° N. latitude, Central and South America. It is a center of abundance for marlins and sailfish for which an extended and continuous time series of data is available, and in which sufficient effort has been expended to adequately sample the year to year abundance of the stocks. The Index Area was used as the basis for generating a catch per unit effort (CPUE) index to be used in stock analysis. A detailed account of the analysis is presented in Otto, Zuboy, and Sakagawa (1977). It is apparent from the figures that measures of relative abundance of marlins and sailfish are to some degree area dependent. Also, the long term trend in the western North Atlantic (the assumed stock area) has been cyclical, i.e., a marked decrease in catch rates over time is not evident. The extreme spike in the curve for blue marlin is at least partially explained by examining catch rate in weight rather than numbers (Figure 4). It appears that for a few years in the early 1960's the catch was composed largely of small fish, but a great number of them. This demonstrates why the surplus production (Schaefer) model should be applied using weight (biomass) rather than numbers. The earlier analysis of billfish stocks used numbers of fish; the current analysis estimates maximum sustainable yield (MSY) in weight.

The status of billfish and shark stocks in the Western North Atlantic Ocean was investigated using a statistical base consisting of data from U.S. recreational fisheries surveys, published ICCAT and FAO statistics, and annual reports of effort and catch statistics in the Japanese tuna longline fishery (1956–1974). The last source was extensively analysed. Indexes of abundance using a time-area strata from the Japanese data were used to calculate "relative effort" following Gulland (1974). Total catch and relative effort were then used to calculate maximum sustainable yield (MSY) by application of the Schaefer model. MSYs were calculated under several assumptions for each species. The following estimates were selected as being most reasonable for management purposes:

	Metric tons	Number of fish
Blue marlin	4,000	40,000 to 50,000.
White marlin	1,900	67,000 to 76,000.
Sailfish/spearfish	960	48,000.
Swordfish	5,800	
Sharks	41,000	

The estimates were based on biomass and are therefore, given in metric tons. However an estimate in numbers of fish is included for reference. Graphs of the yield curves are shown in Figures 6-10. The stocks appear to be at or near full exploitation in all cases. The "low recreational" catch values were used in the MSY calculations for marlins and sailfish because they gave a better fit to the model (Tables 9, 10, 11; Otto, Zuboy and Sakagwa, 1977). The MSY estimates for sharks and swordfish should be considered to be little more than proforma, as the data for these species are less reliable than the marlin and sailfish data.

c. Current fishing status: The amount of foreign (Japanese) longline fishing effort in the FCZ has fluctuated widely the past 20 years; the number of hooks set in 1974 was about 2.6 million and the catch of billfishes was about 10,600. The latest data available on the harvest of billfishes in the FCZ by the Japanese longline fishery are given in Table 12. Shown are fishing effort in numbers of hooks set, the numbers of vessel-days, and the numbers of billfishes caught within approximately 200 miles of the Atlantic, Gulf, and Caribbean coasts of the United States. Vessel-days were calculated by dividing the total number of hooks by 2,000. This number is the approximate number of hooks set by a single vessel in a 24-hour period. Also shown in Table 12 is the average effort and catch over a 5-year period. Figure 5 shows the approximate 200-mile zone and 5° square of latitude and longitude used to report catch data.

The U.S. commercial fishery for billfishes is directed mainly at swordfish. Landings peaked in 1964 at 1,387 metric tons, declined to a low of 32 metric tons in 1971 due to the FDA regulations, then rose to 578 metric tons in 1974.

Recreational catches of billfishes are difficult to ascertain with any degree of accuracy however, one recent estimate (1970) placed the total at 235,000 fish (Deuel, 1973). Domestic catches and capacity are presented in Section II C 3(b) and in Tables 9, 10, 11, and 13.

3. Optimality

The development of a preliminary U.S. policy on foreign billfish and shark fishing within the U.S. 200-mile zone should consider the following critical issues:

(1) Sound and effective biological management must treat billfish and shark stocks throughout their ranges. Management policy should be established through international agreements between the U.S. and other harvesting nations.

(2) A number of socio-economic criteria can be identified for evaluating the impact of foreign billfish and shark fishing on domestic, recreational and commercial fisheries. An objective of this plan is to maximize the social and economic benefits to the recreational and commercial domestic fisheries. For billfish (excluding swordfish), the needs of the domestic recreational fishery are met by maximizing the quality of the angling experience such as the greatest number of fish hooked, and by maintaining a high availability of fish.

(3) Pub. L. 94-265 does not give the United States authority to manage the harvest of tunas, and the policy of the United States is that tuna fishery management should be conducted through international agreements. However, Pub. L. 94-265 clearly establishes U.S. authority to regulate foreign catches of billfishes and sharks.

An international agreement on billfish and shark management should be vigorously pursued. The action described in this plan, to manage billfish and shark stocks within the FCZ, indicates U.S. concern over the status of these stocks and our intention to do what we can to protect them and the interests of U.S. fishermen until such international agreement can be established. The economic value of billfish and sharks to the recreational fishing industry off the U.S. Atlantic and Gulf coasts is considerable. A survey of the recreational billfish and tuna fishery along the East and Gulf coasts of the U.S. in 1968 by the University of Miami examined fishing efforts and expenditures by only those fishermen who fished for billfishes and tuna (Austin et al., 1976). Extrapolations were made to 1975 and 1980 by Austin (1976) and are based on a conservative annual rate of increase in recreational fishing effort of 1.8 percent (U.S. Bureau of Outdoor Recreation, 1970). These data are believed to be minimum estimates as they

do not include, for example, a large, highly mobile fleet of trailerable vessels that are launched at a great many facilities along the eastern seaboard of the United States. Moreover, the value of this recreation must be much larger than out-of-pocket expenditures. It was estimated in 1968 that 222,545 angler days were spent in fishing for billfish. This had increased to 259,780 days by 1975 and it projected to reach 278,751 by 1980.

a. Optimum yield: The optimum yields for these fisheries are based on the percentage of the maximum sustainable yields determined above (Section II c.2.b.) for the Western North Atlantic which can be taken within the FCZ. The optimum yields consider objectives for management of the resources within the FCZ and foreign fishing which will occur outside the FCZ. The area within the FCZ is approximately 15 percent of the total area for which the MSY's for the involved stocks were calculated.

The 1978 U.S. domestic capacities for the shark and billfish stocks, based on catch rates, are given in Table 13. It is important to note that U.S. recreational fisheries for billfishes and sharks are rapidly expanding, probably at a higher rate than the 1.8 percent mentioned above. Unpublished NMFS data (Deuel, pers. comm.) indicate that marine recreational fishermen nationwide may have numbered 20 million in 1975, over twice the number reported for 1970. Estimates in 1977 by six Southeastern States show an average annual increase of 25 percent has occurred in the number of registered vessels capable of fishing for billfish in the last five years (Table 4). These increases suggest that the domestic fishermen are capable of taking increased numbers of sharks and billfish. Therefore, in determining current U.S. capacity (estimate of capability and intent to catch in 1978), the higher figures from the 1974 ranges specified in Tables 9, 10, and 11 were used to give the best estimate of U.S. capacity for 1978.

The OY's for blue marlin, white marlin, and sailfish/spearfish were determined by calculating the percent of total catch of these species from the western North Atlantic that occurred within the FCZ and taking that percent of MSY as OY for the FCZ. This assumes that OY for the western North Atlantic would be equal to MSY; a reasonable assumption since the stocks are not being over fished but are at or near full exploitation. Total catch and catch within the FCZ were calculated by averaging domestic and foreign catches for the period 1964 through 1974.

For sharks and swordfish, a different rationale was used. Sharks and swordfish are more densely concentrated over the continental shelves within the FCZ than in the open ocean outside the FCZ and generally have more localized distributions. Intensive fishing in the FCZ could result in harvesting a large portion of the MSY for the entire western North Atlantic and could detrimentally impact shark and swordfish stocks. Therefore, the OY's were modified downward from the MSY's to compensate for these factors on the basis of the percentage of the western North Atlantic contained in the U.S. FCZ. Since the FCZ is 15 percent of the total western North Atlantic, the OY's were set at 15 percent of the MSY. The OY's for billfishes and sharks were designed to prevent overfishing and maintain the MSY, recognizing the level of fishing both within and without the FCZ in 1978.

b. Total allowable level of foreign fishing. Since the domestic capacity is equal to the OY for all billfish species, there is no surplus available for foreign fishing. The TALFF for sharks is the difference between OY and the U.S. capabity, or 1,150 m.t. When this TALFF is reached, no surplus is declared for all shark species and a no retention policy exists.

4. Conservation and Management Measures Applicable to Foreign Fisheries

a. Data to be reported by foreign fishery: (1) Units for measuring and reporting catch. While fishing within the FCZ, each foreign fishing vessel will be required to maintain a daily fishing log that records: name and identification number of vessel; name of captain; date; midday fishing location (within 0.1° latitude and longitude); number of hooks set; number of each species of billfish (must separate sailfish and spearfish) and total number and estimated aggregate weight of sharks caught.

(2) Time requirement for reporting. A report listing catch and effort with gear capable of taking billfishes and sharks by time and area strata will be forwarded to the proper authority at least monthly.

b. Zones and/or periods of limited foreign fishing: (1) Vessel limitations: None; (2) Gear limitations: None; (3) Area limitations: None.

c. Catch limitations: The catch limitations are as follows: (1) to prohibit the retention of all billfishes caught within the FCZ. In addition, all billfishes taken shall not be removed from the water and shall be released in such a manner as to ensure maximum probability of survival, (2) when the aggregate catch of sharks by foreign vessels reaches the TALFF as set out in Table 13, the same non-retention provisions which apply to billfishes shall apply to sharks.

d. Other limitaions, conditions, and requirements for foreign vessels catching billfishes and sharks: (1) Each foreign vessel fishing[1] in the Fishery Conservation Zone must have a valid permit issued by the Secretary of Commerce.

(2) Each vessel entering the FCZ to engage in fishing must check in by radio or port call with U.S. regulatory authorities, and check out upon leaving the area.

(3) U.S. observers shall have boarding privileges and the full right to observe, sample all catches, tag fish, and inspect both fishing operations and cargo at any time without prior announcement on all foreign vessels fishing within the FCZ.

(4) Any billfishes or sharks (or parts thereof) observed aboard a foreign vessel fishing within the FCZ will be presumed to have been caught within the FCZ, unless such vessel has made arrangements with the appropriate U.S. enforcement authority prior to entering the FCZ to ensure that the billfish or sharks on board are identified as having been taken outside 200 miles.

(5) No foreign fishing vessel shall intentionally discard gear that could cause an environmental or navigational hazard.

e. Costal State fishery conservation and management measures recommended for incorporation into this plan: None.

f. Other measures:

(1) It is recommended that an effective cooperative billfish and shark tagging program be established with foreign nations conducting fishing operations within the FCZ and the National marine Fisheries Service.

(2) It is recommended that an international plan for regulation of billfishes and sharks be developed and implemented under the auspices of an international organization such as ICCAT.

g. Relationship of conservation and management measures to conservation needs:

As previously emphasized, a limited scientific base now exists with which stock analysis can be made for billfishes and pelagic sharks. Most stocks of billfishes appear to range well outside the U.S. FCZ and are subject to exploitation by foreign longline fisheries. At present, there is no international program to manage and conserve these stocks.

In view of these facts, the measures developed in this plan are designed both to regulate the catching, taking, or harvesting of billfishes and sharks by foreign vessels within the FCZ and to prohibit the retention of any billfishes and, when the TALFF has been reached, sharks so caught.

The NMFS considered excluding three species of sharks (blue, mako, and porbeagle) because of the possibility of overfishing these species and their importance to the U.S. recreational fishery. A decision was made not to exclude these species from the TALFF since status of the stocks data are limited and we did not want to place an undue burden on foreign fishermen. Generally, blue and porbeagle sharks are not taken south of Cape Hatteras. The first few months of foreign fishing is south of Cape Hatteras, diminishing the possibility of these species being taken before the TALFF is reached.

h. Relationships of conservation and management measures to national standards:

The recommended management measures proposed in this plan are fully consistent with the national standards for fishery conservation and management as outlined in Pub. L. 94-265 (Title III, sec. 301): in that (1) they attempt to prevent overfishing, (2) they are based on the best scientific information available, (3) the stocks are managed in the FCZ with attention to their occurance throughout their ranges, (4) they do not apply to U.S. citizens and thus do not discriminate between residents of different states, (5) they promote more efficient use of the stocks by domestic fishermen, (6) they allow for variations among, and contingencies in, fisheries, fishery resources, and catches, and (7) they are designed to minimize management costs.

i. Approximate costs of conservation and management measures:

It is estimated that 4 man-years will be required by NMFS to adequately monitor foreign activities concerned with this plan and enforce fishing regulations off the U.S. Gulf and Atlantic coasts. An additional man-year will be required for Puerto Rico and the Virgin Islands. Salary and support costs for enforcement and management agents are estimated by NMFS for enforcement and does not include other NMFS costs associated with management, such as scientific research and data handling, cost to other Federal or State agencies such as patrol vessel operating expenses, or cost of observers, which will be borne by the foreign government.

[1] The term fishing is defined in Sec. 3(10) of the FCMA as (A) the catching, taking or harvesting of fish; (B) the attempted catching, taking, or harvesting of fish; (C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or (D) any operations at sea in support of, or in preparation for any activity described in subparagraphs (A) through (C). Such terms do not include any scientific research activity which is conducted by a scientific research vessel.

III.

BLUE MARLIN CPUE

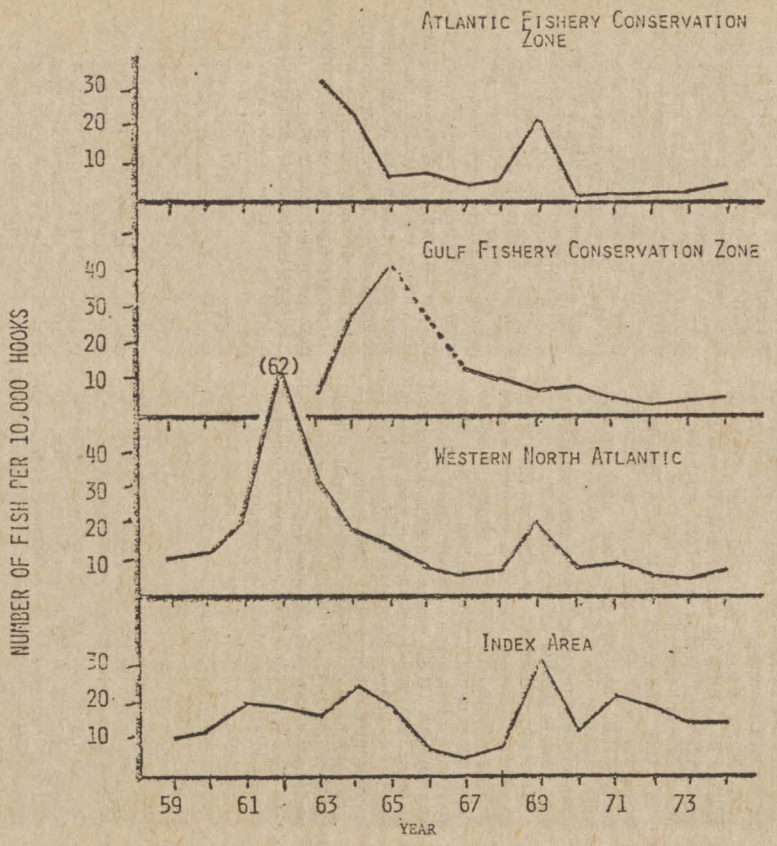


FIGURE 1. Numeric catch rates of blue marlin from various areas by the Japanese longline fishery. Fishery Conservation Zones are approximate. Western North Atlantic is that area north of the equator and west of 40°W longitude. The Index area is that area of the Atlantic west of 50°W longitude and south of 20°N latitude.

WHITE MARLIN CPUE

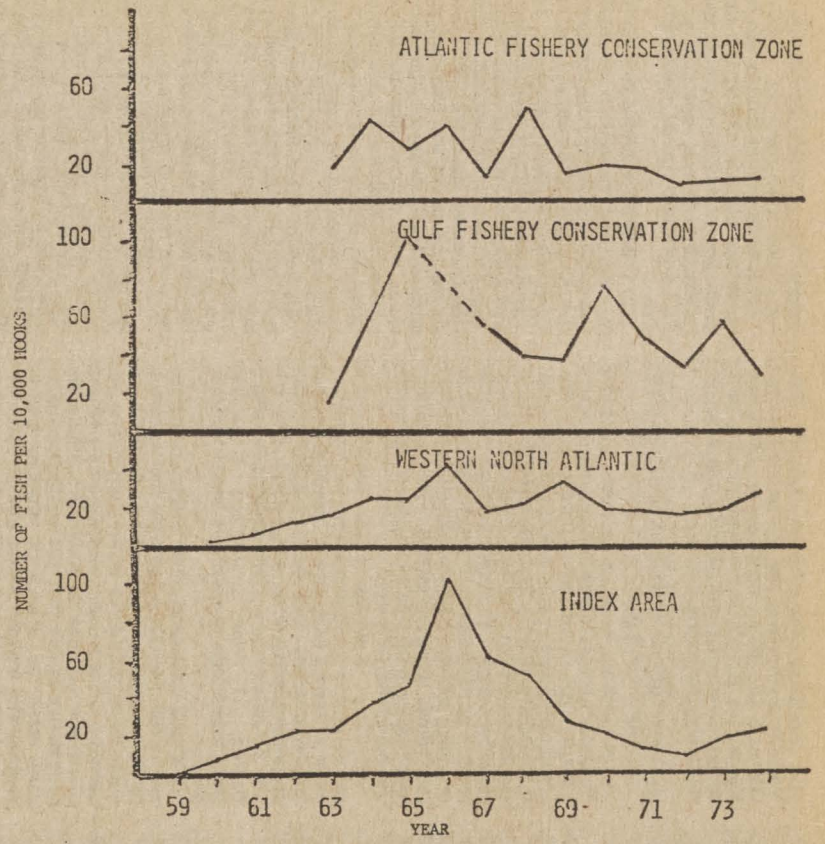


Figure 2. Numeric catch rates of white marlin from various areas by the Japanese longline fishery.
See Figure 1 for explanation of areas.

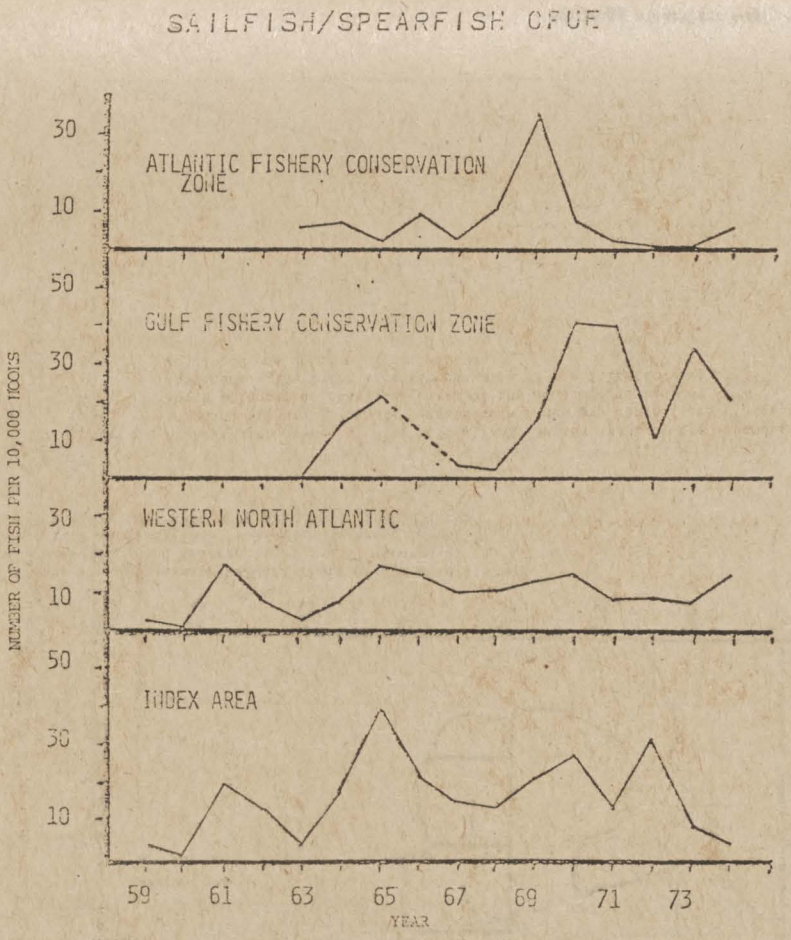


FIGURE 3. Numeric catch rates of sailfish/spearfish from various areas by the Japanese longline fishery.

See Figure 1 for explanation of areas.

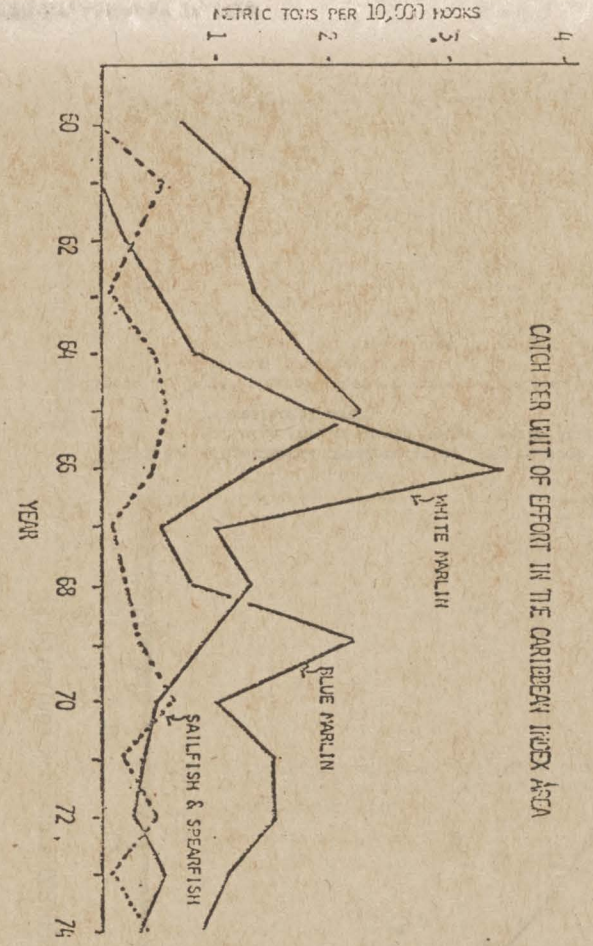


FIGURE 4. Index catch rates (metric tons) of marlins and sailfish/spearfish by the Japanese longline fishery.

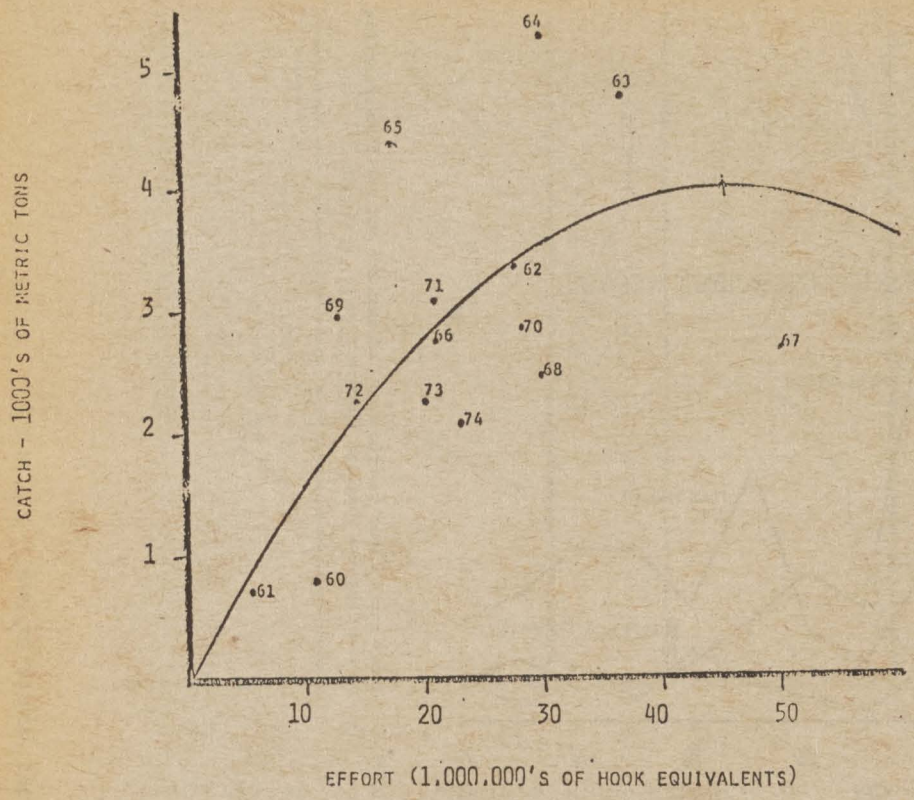


FIGURE 6. A historical catch-relative effort plot and Schaefer yield curve for blue marlin in the Western North Atlantic assuming the low recreational catch.

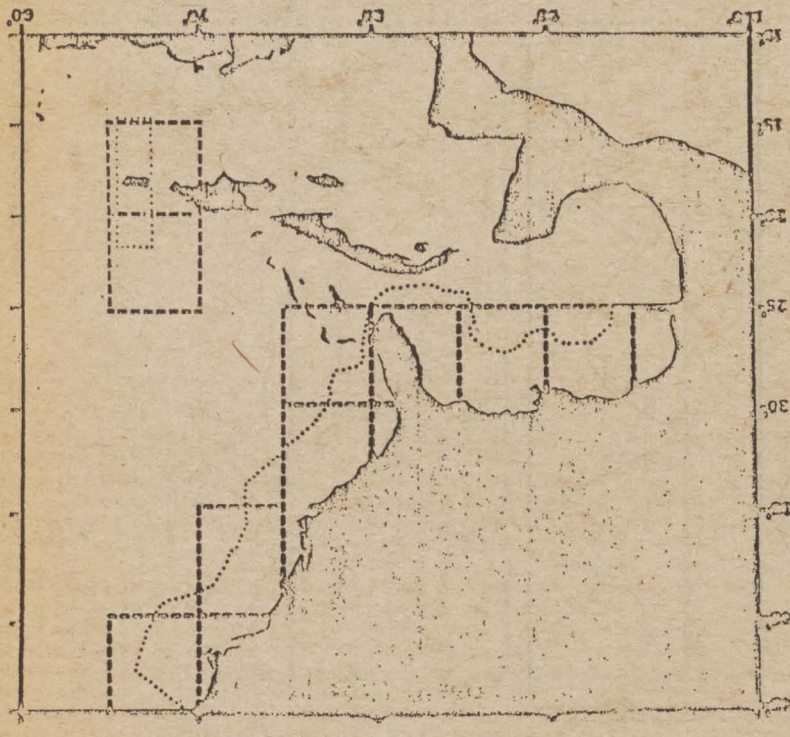


Figure 5 - Approximate seaward limit of 200-mile Fishery Conservation Zone (dotted line) and 5° squares of latitude and longitude from which Japanese longline catch and effort data were extracted (dashed line).

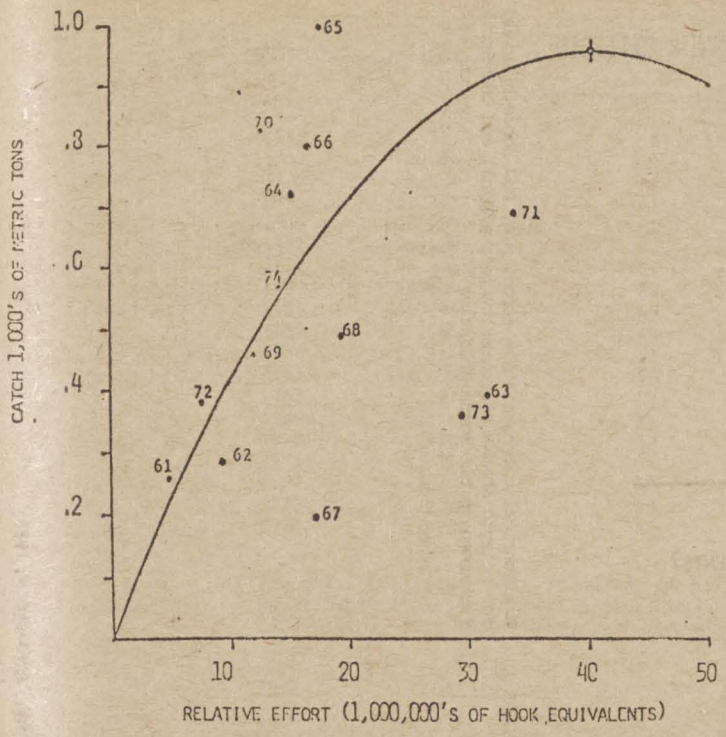


FIGURE 8. A historical catch-relative effort plot and Schaefer yield curve for sailfish in the Western North Atlantic assuming the low recreational catch.

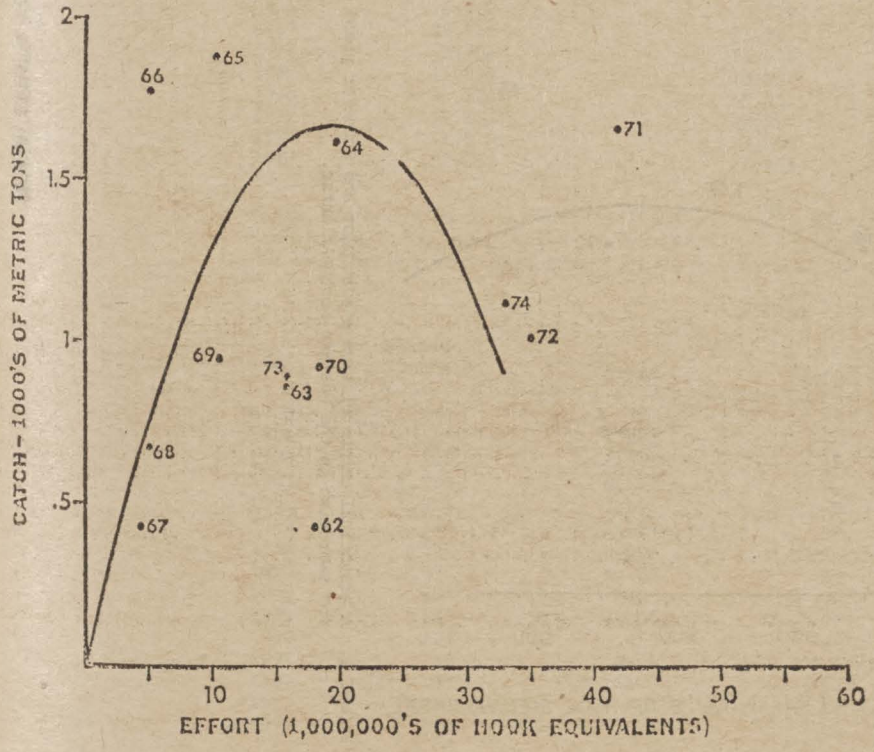


FIGURE 7. A historical catch-relative effort plot and Schaefer yield curve for white marlin in the Western North Atlantic assuming the low recreational catch.

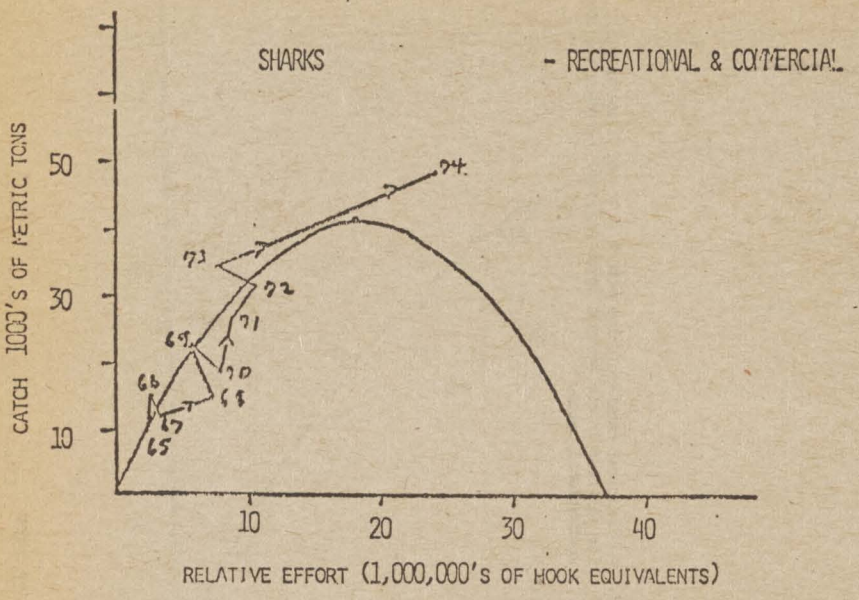


FIGURE 10. A historical catch-relative effort plot and Schaefer yield curve for pelagic sharks harvested by recreational and commercial fishermen in the North Atlantic.

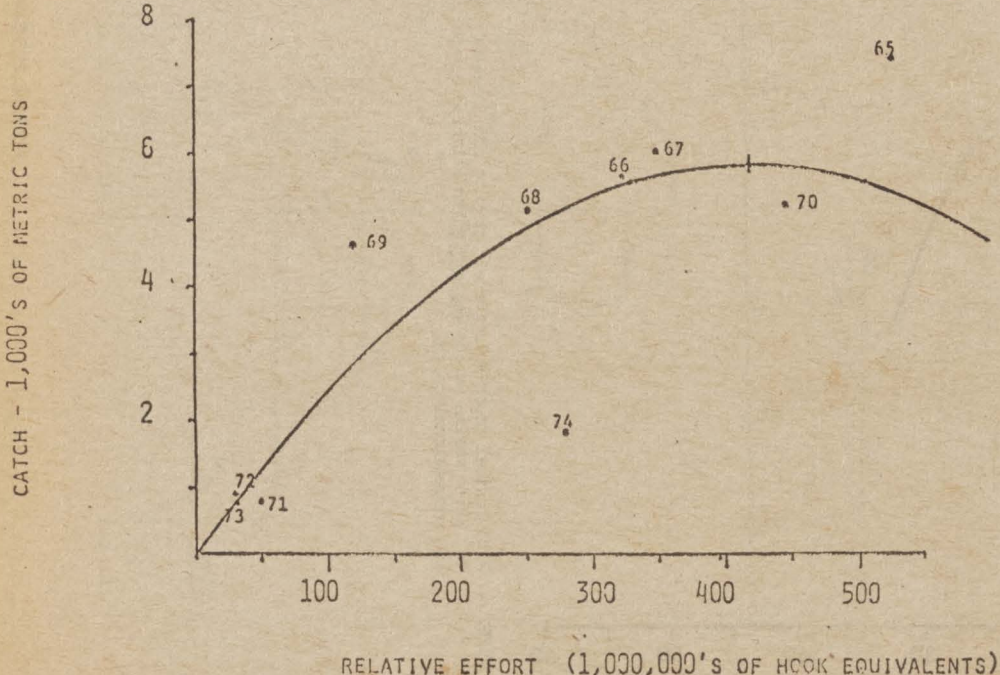


FIGURE 9. A historical catch-relative effort plot and Schaefer yield curve for swordfish in the Western North Atlantic.

TABLE 1. Catch of billfishes by the Japanese longline fishery, 1956-1974, in the entire Atlantic Ocean (Ref.: Japanese Far Seas Fishery Laboratory data).

Year	Hooks (1,000)	White Marlin	Blue Marlin	Swordfish	Sailfish Spearfish
		1,000's of fish			
1956	131	1	-	-	-
1957	2,334	1	9	1	4
1958	8,000	1	10	1	4
1959	15,311	7	23	2	6
1960	20,725	11	27	3	12
1961	26,669	39	43	11	28
1962	54,104	111	111	19	67
1963	55,004	87	96	24	51
1964	84,998	163	84	31	118
1965	97,581	129	45	44	118
1966	53,814	89	22	22	65
1967	31,154	43	11	16	59
1968	30,247	43	9	17	52
1969	29,676	27	14	57	28
1970	41,580	32	11	57	39
1971	55,873	36	18	29	23
1972	44,139	15	5	32	11
1973	35,976	13	5	20	8
1974	38,495	12	4	25	7

Table 2. Estimated catch in number of billfishes (excluding swordfish) by Atlantic longline fisheries other than Japan (mainly South Korea and Taiwan), 1957-1973 (from Kikawa and Honma, 1975).

Year	White Marlin	Blue Marlin	Sailfish and Spearfish
1957	0	0	0
1958	0	0	0
1959	0	0	0
1960	0	0	0
1961	3,591	1,464	7,002
1962	4,798	1,953	9,336
1963	7,183	2,929	14,004
1964	4,789	1,953	9,336
1965	7,183	2,929	14,004
1966	8,380	3,417	16,338
1967	28,732	11,715	56,016
1968	40,704	16,596	79,356
1969	45,493	18,549	88,692
1970	44,296	18,061	86,358
1971	49,085	20,013	95,694
1972	51,479	20,990	100,362
1973	52,676	21,478	102,696

Table 3. Landings of swordfish, 1960-74. U. S. landings, 1960-70, are from Fisheries of the United States 1960-70. Statistics for other countries and for the United States from 1971-74 are from ICNAF Statistical Bulletins.

Year	Country			
	United States	Canada	Poland	German Democratic Rep.
	Metric Tons			
1960	460	266	--	--
1961	409	1,862	--	--
1962	425	2,379	--	--
1963	1,252	8,510	--	--
1964	1,318	7,195	--	--
1965	1,229	1,874	--	--
1966	591	4,245	--	--
1967	475	4,795	--	--
1968	364	NA	--	--
1969	182	4,300	--	--
1970	273	453	--	--
1971	32	--	--	--
1972	87	--	--	--
1973	203	14	74	5
1974	578	2	--	--

Table 4. Estimates of number of vessels capable of fishing for billfishes. Data obtained from state conservation agency employees (1977).

Respondent	Present number of billfish vessels		Growth in percent over the last five years	
	Private	Charter	Private	Charter
Texas Jim Stevens	4,000	300	300	200
Louisiana William Perret	101	10	30	0
Mississippi				
Alabama				
Florida John Jolly	125,000	1,000	120	50
Georgia Larry Smith	350	15	300	200
South Carolina David Cupka	350	32	180	28
North Carolina Michael Street	259	25	85	38
Total	130,060	1,382		

Table 5. Reported foreign longline vessels fishing for tuna in Fishery Conservation Zone in Southeast Region. (Source: Enforcement Division, NMFS, Southeast Region.)

Year	Area	Month	Nationality	No. of Vessels	Fishing Days	Estimated Catch/ Vessel-Day	Total Catch*
1973	Southern mid-Atlantic coast	Oct.	Japanese	6	180	4,900	882,000
		Nov.	"	6	180	4,900	882,000
							1,764,000
	Northern Gulf of Mexico	June	"	1	30	4,900	147,000
		July	"	2	60	4,900	294,000
		Aug.	"	2	60	4,900	294,000
							735,000
1974	Southern mid-Atlantic coast	Aug.	"	3	90	6,000	540,000
		Sept.	"	10	300	6,000	1,800,000
		Oct.	"	15	450	6,000	2,700,000
							5,040,000
	Northern Gulf of Mexico	Aug.	"	1	30	6,000	180,000
		Sept.	"	1	30	6,000	180,000
							360,000
1975	Southern mid-Atlantic coast	Aug.	"	6	180	6,000	1,080,000
		Sept.	"	14	420	6,000	2,520,000
		Oct.	"	8	240	6,000	1,440,000
							5,040,000
	Northern Gulf of Mexico	June	"	13	390	3,000	1,170,000
		July	"	13	390	3,000	1,170,000
							2,340,000

*Includes tuna, billfishes, sharks. Weight in pounds.

Table 6. Numbers and sizes of Canadian vessels landing at least some swordfish in the years 1968-70 (harpoon and longline) (from Caddy, 1976).

Year	Tonnage class 26-50	51-150	151+	Total
1968	27	73	10	110
1969	21	72	7	100
1970	19	69	9	97

Table 7. Results of dock and tournament sampling surveys by the National Marine Fisheries Service Oceanic Game Fish Investigations, 1971-75

Year	Boats Sampled	Hours Fished	Boat Days	Number Hooked: Blue Marlin	White Marlin	Sailfish
1971	281	12,439.1	1,554.9	260	497	481
1972	1,500	42,997.4	5,374.7	676	701	1,047
1973	1,273	25,055.4	3,131.9	716	724	842
1974	1,311	30,343.2	3,792.9	854	1,163	1,040
1975	1,671	35,728	4,466.1	879	1,770	2,092

Table 8. MSY estimates for billfish and sharks for the Northwest Atlantic (North of the equator and west of 40°W longitude).

	MSY: Metric Tons	Number of Fish
Blue Marlin [1]	4,000	40,000-50,000
White Marlin [1]	1,900	67,000-76,000
Sailfish/ Spearfish [1]	960	48,000
Swordfish [2]	5,800	
Sharks [3]	41,000	

1 Based on total longline catch and the low estimates of U.S. recreational catch (Tables 9, 10, 11).

2 Based on total commercial catch.

3 Based on total longline catch and an estimate of U.S. recreational catch.

TABLE 9. Estimated Yearly Removals (metric tons) of Blue Marlin from the Atlantic Ocean North of the Equator and West of 40 Degrees 1/ and Values of the Catch Per Unit of Effort Index Used to Calculate Relative Effort.

	LONGLINE COUNTRIES					U.S. RECREATIONAL		TOTAL		
YEAR	JAPAN 2/	TAIWAN 3/	CUBA 4/	VENEZUELA 5/	TOTAL 6/	LOW 7/	HIGH 7/	LOW	HIGH	INDEX CPUE
1960	282	----	----	----	282	530	1749	812	2031	.741
1961	124	----	----	----	124	598	1964	722	2088	1.303
1962	2888	----	----	----	2888	592	1974	3408	4862	1.222
1963	4128	----	----	----	4128	658	2181	4786	6309	1.295
1964	4067	----	400	----	4467	828	2780	5295	7247	1.751
1965	3025	----	510	----	3535	838	2749	4373	6248	2.479
1966	1500	60	420	----	1980	765	2554	2745	4534	1.306
1967	290	215	1160	----	1665	1012	3404	2677	5069	.534
1968	342	414	800	300	1583	864	2907	2447	4490	.819
1969	598	294	600	400	1896	1070	3611	2966	5507	2.254
1970	715	392	300	400	1807	1049	3478	2856	5285	1.002
1971	1208	180	300	500	2188	917	3051	3105	5241	1.480
1972	251	258	150	600	1259	981	3249	2240	4508	1.533
1973	248	157	130	300	1194	1072	3572	2266	4766	1.126
1974	259	248	300	70	877	1200	3908	2077	4785	0.873

1/ Estimates exclude allowance for removals by countries such as Guadeloupe and Martinique which are not members of ICCAT and either do not report billfish landings to FAO or report billfish with unspecified tuna-like fishes.

2/ Whole Atlantic catch in weight according to ICCAT apportioned to the western North Atlantic according to the proportion of blue marlin, by number, taken within the area.

3/ Whole Atlantic catch of billfish in weight apportioned to species assuming that the species composition of the Taiwanese billfish catch by weight is identical to that of Japan. Apportionment to western North Atlantic is according to the proportion, by number, of blue marlin taken in the area by Japan.

4/ ICCAT weight statistics apportioned by areal distribution of FAO.

5/ As reported to FAO, except for 1974

6/ Includes landings by Panama and Korea in some years.

7/ Estimates from Otto, Zuboy, and Sakagawa (1977) - unpublished report.

TABLE 10. Estimated Yearly Removals (metric tons) of White Marlin from the Atlantic Ocean North of the Equator and West of 40 Degrees 1/ and Values of the Catch Per Unit of Effort Index Used to Calculate Relative Effort.

	LONGLINE COUNTRIES				U.S. RECREATIONAL		TOTAL		
YEAR	JAPAN 2/	TAIWAN 3/	VENEZUELA 4/	TOTAL	LOW 5/	HIGH 5/	LOW	HIGH	INDEX CPUE
1960	17	----	----	17	195	650	212	667	.074
1961	6	----	----	6	193	647	199	653	.008
1962	180	----	----	180	239	800	419	980	.233
1963	658	----	----	658	206	829	864	1487	.554
1964	1398	----	----	1398	226	751	1624	2149	.821
1965	1635	----	----	1635	245	818	1880	2453	1.810
1966	1531	12	----	1533	244	812	1777	2345	3.501
1967	134	32	----	166	262	876	428	1024	.999
1968	248	111	30	389	282	940	671	1329	1.323
1969	443	221	40	704	244	815	948	1519	.900
1970	398	145	40	583	336	1120	919	1703	.499
1971	899	296	50	1245	305	1018	1550	2263	.372
1972	274	439	0	713	319	1066	1032	1779	.294
1973	399	148	0	547	336	1118	883	1665	.561
1974	411	349	9	769	350	1174	1119	1943	.348

1/ Estimates exclude allowance for removals by countries such as Guadeloupe and Martinique, which are not members of ICCAT and either do not report billfish landings to FAO or report billfish with unspecified tuna-like fishes.

2/ Whole Atlantic catch in weight according to ICCAT apportioned to the western North Atlantic according to the proportion of white marlin, by number, taken within the area by Japan.

3/ Whole Atlantic catch of billfish in weight apportioned to species assuming that the species composition of the Taiwanese billfish catch by weight is identical to that of Japan. Apportionment to western North Atlantic is according to the proportion, by number, of white marlin taken in the area by Taiwan.

4/ The difference between total billfish reported to ICCAT and blue marlin reported to FAO was assumed to be 50 percent white marlin and 50 percent sailfish.

5/ Estimates from Otto, Zuboy, and Sakagawa (1977) - unpublished report.

TABLE 11. Estimated Yearly Removals (metric tons) of Sailfish from the Atlantic Ocean North of the Equator and West of 40 Degrees 1/ and Values of Catch Per Unit of Effort Index Used to Calculate Relative Effort.

	LONGLINE COUNTRIES				U.S. RECREATIONAL		TOTAL		
YEAR	JAPAN 2/	TAIWAN 3/	VENEZUELA 4/	TOTAL	LOW 5/	HIGH 5/	LOW	HIGH	INDEX CPUE
1960	18	----	----	18	172	574	190	592	.020
1961	14	----	----	14	245	821	259	835	.549
1962	55	----	----	55	233	775	288	830	.310
1963	124	----	----	124	264	882	388	1006	.122
1964	406	----	----	406	312	1035	718	1441	.470
1965	812	----	----	812	187	622	999	1434	.572
1966	499	5	----	504	293	979	797	1483	.483
1967	75	19	----	94	107	356	201	450	.117
1968	140	61	30	231	261	870	492	1101	.253
1969	137	20	40	197	260	863	457	1060	.388
1970	242	186	40	468	356	1185	824	1653	.654
1971	305	58	50	413	277	924	690	1337	.203
1972	107	9	0	116	264	879	380	995	.501
1973	84	12	0	96	263	875	359	971	.122
1974	172	35	9	216	351	1167	567	1383	.405

1/ Estimates exclude allowance for removals by countries such as Guadeloupe and Martinique, which are not members of ICCAT and either do not report billfish landings to FAO or report billfish with unspecified tuna-like fishes.

2/ Whole Atlantic catch in weight according to ICCAT apportioned to the western North Atlantic according to the proportion of sailfish, by number, taken within the area. Japanese do not separate sailfish and spearfish in their statistics; spearfish landings are considered minor.

3/ Whole Atlantic catch of billfish in weight apportioned to species assuming that the species composition of the Taiwanese billfish catch by weight is identical to that of Japan. Apportionment to western North Atlantic is according to the proportion, by number, of sailfish taken in the area by Taiwan.

4/ The difference between total billfish reported to ICCAT and blue marlin reported to FAO was assumed to be 50 percent white marlin and 50 percent sailfish.

5/ Estimates from Otto, Zubov, and Sakagawa (1977) - unpublished report

Table 12. Effort in number of hooks, number of vessel days, and catch in number of fish by the Japanese longline fishery, 1964-1974, in the Gulf of Mexico, the western North Atlantic, and off Puerto Rico and the Virgin Islands within 200 miles of the U.S. coast. (BM = blue marlin, WM = white marlin, SW = swordfish, SF = sailfish/spearfish.) Marsden squares included are 0434, 0792, 0813, 0814, 0823, 0804, 0824, 1162, 1163, 1164, 1171, 1512, and 1521.

GULF OF MEXICO

Year	Number of Hooks	Vessel Days	BM	WM	SW	SF	Total
1964	410,336	205	1,103	2,312	133	587	4,343
1965	336,791	168	1,392	3,425	83	722	5,622
1966	0	-	-	-	-	-	-
1967	103,997	52	135	561	85	41	822
1968	101,990	51	102	396	18	27	543
1969	41,201	21	28	153	11	59	251
1970	392,610	198	331	2,976	310	1,604	5,041
1971	1,053,745	527	490	5,089	424	4,226	10,229
1972	949,478	475	293	3,204	381	910	4,788
1973	658,876	329	273	3,761	165	2,228	6,427
1974	700,429	350	354	2,113	341	1,379	4,187
1970-74 AVERAGE	751,027	376	348	3,428	288	2,069	6,134

ATLANTIC

1964	730,602	365	1,726	3,247	62	496	5,531
1965	2,009,116	1,005	1,033	5,519	809	423	7,784
1966	1,188,536	594	712	4,912	199	1,052	6,875
1967	243,602	122	76	267	18	49	410
1968	133,768	67	59	672	23	128	882
1969	155,639	78	343	233	11	542	1,129
1970	974,340	487	80	1,827	741	597	3,245
1971	6,180,180	3,090	1,200	10,581	4,723	877	17,381
1972	3,036,248	1,518	607	2,434	1,950	362	5,353
1973	3,844,545	1,922	590	4,020	2,486	380	7,475
1974	1,890,548	945	735	2,140	2,334	962	6,171
1970-74 AVERAGE	3,158,172	1,592	642	4,200	2,447	636	7,925

PUERTO RICO - VIRGIN ISLANDS

Year	Number of Hooks	Vessel Days	BM	WM	SW	SF	Total
1970	567,646	284	1,437	1,455	55	123	3,070
1971	526,473	263	791	905	61	140	1,897
1972	0	0	0	0	0	0	0
1973	0	0	0	0	0	0	0
1974	39,232	20	82	44	12	66	204
1970-74 AVERAGE	226,710	113	462	481	26	66	1,034

Table 13. Maximum sustainable yield (western North Atlantic), optimum yield (FCZ), U.S. capacity, and TALFF [1/]

Species	MSY [2/]	OY [3/]	U.S. Capacity (1978)	TALFF
Blue marlin	4,000	2520	3,908 [4/]	0
White marlin	1,900	1159	1,174 [4/]	0
Sailfish/Spearfish	960	604	1,167 [4/]	0
Swordfish	5,800	870 [6/]	1,387 [5/]	0
Sharks	41,000	6,150 [6/]	5,000 [7/]	1,150

1/ All values in metric tons

2/ For Western North Atlantic (from Section II.C.2.b.)

3/ Explanation in Section II.C.3.a.

4/ From Tables 9, 10, and 11; estimated removal by U.S. recreational fisheries

5/ The 1964 catch was used as an indication of capacity because much of the catch in recent years has gone unreported.

6/ FCZ area is approximately 15% of Western North Atlantic, for reasons explained in section II.C.3.a. OY for FCZ is estimated as 15% of MSY

7/ This value is derived from the recreational catch of 9,917 M.T. in 1974 (Deuel, pers.comm.) which is estimated as 50% pelagic sharks or ca. 5,000 M.T.

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federal register

FRIDAY, JANUARY 27, 1978
PART V



DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original general wage determination decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Hawaii:	
HI77-5087	Sept. 23, 1977.
Idaho:	
ID77-5088	Oct. 7, 1977.
Louisiana:	
LA77-4220	Sept. 23, 1977.
LA78-4001	Jan. 6, 1978.
Nevada:	
NV77-5077	Sept. 23, 1977.
New Jersey:	
NJ77-3093	July, 8, 1977.
Oregon:	
OR77-5078	Sept. 23, 1977.
South Dakota:	
SD77-5079; SD77-5086	do.
Texas:	
TX77-4245; TX77-4252; TX77-4256; TX77-4258; TX77-4261; TX77-4265.	Sept. 30, 1977.
TX78-4005	Jan. 20, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

California:	
CA77-5092(CA78-5004); CA77-5093(CA77-5005); CA77-5094(CA77-5006); CA77-5095(CA78-5007).	Sept. 30, 1977.
Maryland:	
MD76-3152(MD78-3000)	Apr. 2, 1976.
Wyoming:	
WY77-5071(WY78-5008)	July 1, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General wage determination decision No. NY77-3116, pertaining to Chemung County, N.Y., is canceled. Agencies with building, heavy, and highway construction projects pending in this location should utilize the project determination procedure by submitting Form SF-308. See regulations Part 1 (29 CFR), section 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistant with 29 CFR 1.7(b)(2), the incorporation of Decision No. NY77-3116 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 20th day of January 1978.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION #HI77-5087 - Mod. #4 (42 FR 48663 -September 23, 1977) Statewide Hawaii	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.24	.65	$2.00	.70	.06
Roofers	10.90	.95	1.00	.50	.10
Add:					
Ceramic Tile Finisher	7.17	1.10	1.45		.10
Terrazzo Base Finisher	8.49	1.10	1.45		.10
Terrazzo Floor Grinder and Finisher	7.17	1.10	1.45		.10
DECISION #ID77-5088 - Mod. #4 (42 FR 54709 - October 7, 1977) Statewide Idaho					
Change:					
Line Construction Workers:					
(Area 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Cable Splicers; Leadman Pole Sprayer	$12.88	.45	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	11.63	.45	1%	.10	1/2%
Tree Trimmer	10.50	.45	1%	.10	1/2%
Line Equipment Man	10.02	.45	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	8.76	.45	1%	.10	1/2%
Groundman; Tree Trimmer Helper	8.24	.45	1%	.10	1/2%

Zone Pay: Each classification will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00.

Base Zone: 0-3 miles from geographical center of towns listed below.
Zone A: 3-20 miles radius from geographical center of towns listed below.
Zone B: 20-35 miles radius from geographical center of towns listed below.
Zone C: 35-50 miles radius from geographical center of towns listed below.
Zone D: In excess of 50 miles from geographical center of towns listed below.

Spokane, Orofino, Coeur d'Alene, Sand Point, Kellog, Lewiston.

DECISION #LA77-4220 - Mod. #5 (42 FR 48658 - September 23, 1977) Bossier, Caddo & Calcasieu Pars., Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Glaziers - Bossier & Caddo Pars.	$ 7.88		.30		.04
DECISION #LA78-4001 - Mod. #1 (43 FR 1276 - January 6, 1978) Statewide Louisiana					
Change:					
Glaziers - Zone 4	7.88		.30		.04
Ironworkers (Building Construction): Zone 1	10.46	.63	.35		.04
DECISION #NV77-5077 - Mod. #5 (42 FR 48662 - September 23, 1977) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada					
Change:					
Plumbers; Steamfitters:					
Remaining Counties and Nye County (north half)	$11.74	.73	.90	$1.95	.10
Plumbers (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	11.74	.73	.90	1.95	.10
Sheet Metal Workers:					
Remaining Counties and Nye County (north half)	11.22	1.04	2.13		.05

MODIFICATIONS P. 3

DECISION #NJ77-3093 - Mod. #6 (42 FR 35567 - July 8, 1977) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, & Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Drywall tapers and finishers	$10.60	1.50	.50		.10
Electricians & Cable Splicers:					
Zone 3	12.97	6%	3% +.90		.02
Zone 8	12.79	6%	3% +.90		.015
Zone 9	12.79	6%	3% +.50		
Zone 10	12.79	6%	3% +1.29		.02
Zone 12	13.25	6%	3% +.90		.02
Laborers, Building Construction:					
Zone 3					
Regular laborers	8.55	.50	.50		.02
Motor mixers, scaffold men, and pneumatic hammer operators	8.80	.50	.50		.02
Line Construction:					
Zone 1					
Linemen, Cable Splicers, Line Equipment operators, line Truck Operators, Groundmen and Welders	13.24	7%	10%		3/4 of 1%
Zone 2					
Linemen and Equipment Operators	13.33	6%	8%		3/4 of 1%
Cable Splicers	14.41	6%	8%		3/4 of 1%
Groundmen	9.33	6%	8%		3/4 of 1%
Zone 3					
Linemen, Cable Splicers, Equipment Operators and Groundmen	12.68	5%	8% +.58		3/4 of 1%
Zone 4					
Linemen, Cable Splicers, Line Equipment operators and Groundmen	12.95	6%	6% +.54		3/4 of 1%
Zone 5					
Linemen, Cable Splicers Line Equipment Operators and Groundmen	12.95	6%	3% +.55		3/4 of 1%
Zone 6					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	6%	3% +.60		3/4 of 1%

MODIFICATIONS P. 4

DECISION #NJ77-3093 - Mod. # 6	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction: (Cont'd)					
Zone 7					
Linemen and Equipment Operators	$13.10	6%	3% +.60		3/4 of 1%
Groundmen and Line Truck Operators	11.55	6%	3% +.60		3/4 of 1%
Zone 8					
Linemen and Equipment Operators	13.14	6%	3% +.55		3/4 of 1%
Groundmen and Winch Operators	11.28	6%	3% +.55		3/4 of 1%
Zone 9					
Linemen and Equipment Operators	13.14	6%	3% +.60		3/4 of 1%
Groundmen and Line Truck Operators	11.28	6%	3% +.60		3/4 of 1%
Zone 10					
Linemen, Cable Splicers, and Equipment Operators	12.85	6%	3% +1.29		3/4 of 1%
Groundmen and Winch Operators	12.00	6%	3% +1.29		3/4 of 1%
Zone 11					
Linemen, Cable Splicers, and Equipment operators	12.85	6%	3% +.55		3/4 of 1%
Groundmen and Winch Operators	12.00	6%	3% +.55		3/4 of 1%
Zone 12					
Linemen and Equipment Operators	12.90	12%	7%		3/4 of 1%
Groundmen and Winch Operators	12.00	12%	7%		3/4 of 1%
Zone 13					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	11.20	6%	3% +1.00		3/4 of 1%
Groundmen	6.67	6%	3% +1.00		3/4 of 1%
Zone 14					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	11.20	6%	3% +.60		3/4 of 1%

DECISION #NJ77-3093 - Mod. # 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction: (Cont'd)					
Zone 14					
Groundmen	$ 6.67	6%	3% +.60		3/4 of 1%
Marblesetters, Terrazzo Workers, & Tilesetters:					
Zone 2					
Terrazzo Workers	11.18	1.21	1.50		
Marblesetters, Terrazzo Workers, &Tilesetters Finishers:					
Zone 1					
Terrazzo Finishers	9.84	.76	1.95		
Pipefitters:					
Bergen & Hudson Counties	11.50	1.00	1.00	1.00	.25
Plumbers & Steamfitter:					
Zone 1					
Steamfitter	11.50	1.00	1.00	1.00	.25

DECISON NO. OR77-5078 - Mod. #1
(42 FR 48700 - September 23, 1977)
Statewide, Oregon

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers: Stonemasons: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill, Baker, Union, Umatilla, Wallowa, North half of Malheur Cos.	$11.83	.75	.85		.15
Electricians:					
Baker, Gilliam, Grant, Morrow, Umatilla, Wheeler Counties					
Electricians	13.17	.57	3%+.70		.02
Lead Cable Splicers	13.83	.57	3%+.70		.02
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line north and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	12.55	.90	3%+2.00		.04
Cable Splicers	13.81	.90	3%+2.00		.04
Benton, Crook, Deschutes, Jefferson, Lane (eastern portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	14.80	.65	3%+1.00		.06
Lead Cable Splicers	15.98	.65	3%+1.00		.06
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	14.80	.65	3%+1.00		.05
Lead Cable Splicers	15.55	.65	3%+1.00		.05
Harney, Jackson, Josephine, Klamath, Lake, that poriton of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	13.38	.65	3%+1.00		.08
Cable Splicers	14.72	.65	3%+1.00		.08

DECISION NO. OR77-5078 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers	$11.11	.51	.65		.01
Ironworkers:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	11.85	.93	1.20		.10
Lathers:					
Lane County	10.85	.60	.75		.01
Marble Setters:					
Baker, Union, Umatilla, Wallowa, N½ of Malheur Cos.	11.06	.55	.50		
Mason Tenders:					
(including tenders of Plasterers, bricklayers, tile setters, marble setters and terrazzo workers; Topping for cement finishers and mortar mixer)	9.46	.90	1.00		.10
Painters:					
Remaining Counties:					
Brush	9.92	.55	.70		.10
Spray	10.32	.55	.70		.10
Bridges, High work over 50' (brush)	10.67	.55	.70		.10
Bridges, High work over 50' (spray)	11.07	.55	.70		.10
Plumbers; Steamfitters:					
Coos, Curry, West Coast portion of Douglas, Lane (City of Florence)	11.08	.81	1.40		.10
Remainder of Klamath and Lake Counties	12.73	.90	1.55		.10
Roofers:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Cos.					
Roofers	10.45	.70	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	10.95	.70	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.70	.80		

DECISION NO. OR77-5078 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake and Lane Counties					
Roofers	$10.49	.65	.10		
Spray and/or application of irritating materials in a confined area	11.49	.65	.10		
Sheet Metal Workers:					
Coos, Curry, Douglas, Klamath, Lake, Lane, Jackson, and Josephine Counties	12.635	.61	.61		.03
Terrazzo Workers:					
Baker, Umatilla, Union, Wallowa and N½ of Malheur Counties	10.39	.55	.50		
Tile Setters:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	10.44	.70	.75		.15
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur Counties	10.39	.55	.50		
Line Construction:					
All Counties except Malheur					
Cable Splicers; Leadman Pole Sprayer	12.88	.45	3%	.10	1/2%
Linemen; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	11.63	.45	3%	.10	1/2%
Tree Trimmer	10.50	.45	3%	.10	1/2%
Line Equipment Man	10.02	.45	3%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	8.76	.45	3%	.10	1/2%
Groundman; Tree Trimmer Helper	8.24	.45	3%	.10	1/2%
ADD:					
TIMBER SALES ROADS:					
Operating Engineer	8.65	1.00	1.00		
Operating Engineer Assistant (Oiler)	7.64	1.00	1.00		
Teamster	8.214	.68	.70		
Laborer	7.106	.90	1.00		
Power Saw Operator, Driller, Powderman	6.856	.90	1.00		

DECISION #SD77-5079 - Mod. #2 (42 FR 4874-September 23, 1977) Meade and Pennington Counties, South Dakota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Within 15 mile radius of Rapid City Post Office					
Electricians	$ 9.85	.40	3%	6%	1/2%
Cable Splicers	10.40	.40	3%	6%	1/2%
Within 15 to 35 miles radius of Rapid City Post Office					
Electricians	10.25	.40	3%	6%	1/2%
Cable Splicers	10.80	.40	3%	6%	1/2%
Outside a 35 mile radius of Rapid City Post Office					
Electricians	11.10	.40	3%	6%	1/2%
Cable Splicers	11.65	.40	3%	6%	1/2%
Cement Masons	8.45	.35	.40		

DECISION NO. SD77-5086 - Mod. #2 (42 FR 48722-September 23, 1977) Minnehaha County, South Dakota					
Change:					
Electricians:					
Over 30 miles from Sioux Falls Post Office					
Electricians	11.37	.40	3%	6%	1/2%
Cable Splicers	12.38	.40	3%	6%	1/2%

DECISION #TX77-4245 - Mod. #2
(42 FR 53136 - September 30, 1977)
Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant (does not include Dallas-Fort Worth Regional Airport) & Wise Counties, Texas

Change Description of Work to Read as Follows:
Highway Construction (does not include building structures in rest area projects) & Paving & Utilities Incidental to General Building Construction (not to be used for Utilities Incidental to General Building Construction in Tarrant Co.). This wage determination does not apply to any residential construction (single family homes & garden type apartments up to & including 4 stories).

DECISION #TX77-4252 - Mod. #7 (42 FR 53147 - September 30, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Zone 2 - Carpenters	$ 9.63	.48	.40		.07
Millwrights	10.13	.48	.40		.07

DECISION #TX77-4256 - Mod. #9 (42 FR 53154 - September 30, 1977) Brazos County, Texas					
Change:					
Sheet metal workers	10.83	.325	.645	.42	.06

DECISION #TX77-4258 - Mod. #9 (42 FR 53158 - September 30, 1977) Galveston & Harris Cos., Texas					
Change:					
Sheet metal workers - Harris Co.	10.83	.325	.645	.42	.06

DECISION #TX77-4261 - Mod. #6 (42 FR 53165 - September 30, 1977) Lubbock County, Texas					
Change:					
Painters - Brush	7.35	.30	.20		.04
Spray	8.10	.30	.20		.04

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX77-4265 - Mod. #5 (42 FR 53169 - September 30, 1977) Wichita County, Texas					
Change:					
Carpenters - Carpenters	$ 9.63	.48	.40		.07
Millwrights	10.13	.48	.40		.07
DECISION #TX78-4005 - Mod. #1 (43 FR - January 20, 1978) Bowie County, Texas					
Change:					
Carpenters - Carpenters	8.50				.01
Millwrights	10.70				.04
Piledrivermen	9.20				.01
Add:					
Glaziers	5.30				

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA78-5004

DATE: Date of Publication

Supersedes Decision No. CA77-5092 dated September 30, 1977, in 42 FR 52941.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories, heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.65	$1.05	$ 1.27		.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	11.22	1.03	1.06		.12
Inyo, Kern and Mono Counties	12.65	1.00	1.45		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach), Orange County	11.20	1.15	1.45		.30
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	11.20	1.15	1.45		.30
Riverside and San Bernardino Counties	11.20	1.28	1.55		.14
Santa Barbara and San Luis Obispo Counties	11.50	1.15	1.30		.02
Ventura County	11.78	1.00	1.20		.05
BRICK TENDERS	8.45	1.05	2.45	.60	
CARPENTERS:					
Carpenters	10.05	1.49	1.95	1.00	.06
Saw Filers	10.13	1.49	1.95	1.00	.06
Table Power Saw Operators	10.15	1.49	1.95	1.00	.06
Shinglers; Piledrivermen, Bridge or dock Carpenters; Derrick Bargemen; Rock Slinger	10.18	1.49	1.95	1.00	.06
Hardwood Floor Layers	10.25	1.49	1.95	1.00	.06
Head Rock Slinger	10.28	1.49	1.95	1.00	.06
Pneumatic Nailer	10.30	1.49	1.95	1.00	.06
Millwrights	10.55	1.49	1.95	1.00	.06
CEMENT MASONS:					
Cement Masons	9.41	1.10	1.75	1.00	.08
Cement Floating and Troweling Machine	9.66	1.10	1.75	1.00	.08
DRYWALL INSTALLERS	11.40	1.49	1.95	.90	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Imperial County					
Electricians	$ 13.70	.75	3%+1.45		
Cable Splicers	13.98	.75	3%+1.45		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	15.75	.90	3%+1.60		.15
Cable Splicers	17.33	.90	3%+1.60		.15
Kern County (Remainder of Co.)					
Electricians; Technicians	13.25	.90	3%+1.60		.15
Cable Splicers	14.58	.90	3%+1.60		.15
Los Angeles County					
Electricians	13.02	1.25	3%+1.95		.07
Cable Splicers	13.32	1.25	3%+1.95		.07
Traffic Signal and Street Lighting:					
Electricians	12.65	1.05	3%+1.95		.07
Utility Technician No. 1	9.49	1.05	3%+1.95		.07
Utility Technician No. 2	8.86	1.05	3%+1.95		.07
Tunnel:					
Electricians	13.52	1.05	1%+1.70		.02
Cable Splicers	13.82	1.05	1%+1.70		.02
Sound Technicians:					
Sound Technicians (on new building construction)	12.67	.75	3%		
Sound Technicians (on modificiation of existing buildings)	10.74	.75	3%		
Orange County					
Electricians	13.34	.81	3%+1.45		.02
Cable Splicers	13.95	.81	3%+1.45		.02
Riverside County					
Electricians	13.06	.85	3%+1.65		.04
Cable Splicers	13.36	.85	3%+1.65		.04
Inyo, Mono and San Bernardino Counties					
Electricians	12.70	1.11	3%+2.00		.04
Cable Splicers	13.00	1.11	3%+2.00		.04
Tunnel:					
Electricians	13.97	1.11	3%+2.00		.04
Cable Splicers	14.27	1.11	3%+2.00		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
San Luis Obispo County					
Electricians	$13.41	1.20	3%+1.50		.03
Cable Splicers	14.75	1.20	3%+1.50		.03
Santa Barbara County (Vandenburg AFB)					
Electricians	15.00	1.10	3%+1.50		.03
Cable Splicers	16.00	1.10	3%+1.50		.03
Remainder of County					
Electricians	13.25	1.10	3%+1.50		.03
Cable Splicers	14.25	1.10	3%+1.50		.03
Ventura County					
Electricians	13.41	.84	3%+1.05		.02
Cable Splicers	14.75	.84	3%+1.05		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	13.41	.745	.56	a	.025
Elevator Constructors' Helpers	70%JR	.745	.56	a	.025
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	14.82	.745	.56	a	.025
Elevator Constructors' Helpers	70%JR	.745	.56	a	.025
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	10.90	.67	.90		
Los Angeles,Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Venutra Counties	11.19	.67	1.45		.04
IRONWORKERS:					
Fence Erectors	10.66	1.24	2.22	1.46	.06
Reinforcing	11.55	1.24	2.22	1.46	.06
Ornamental; Structural	11.55	1.24	2.22	1.46	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRRIGATION & LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	$ 9.75	10%	16%	13%	1%
LATHERS:					
Inyo, Kern and Mono Counties	9.13	.60	1.30	.70	.05
Los Angeles County (except City of Lancaster)	12.00	.70	.90		.03
Ventura County	11.98	1.05	1.13	1.50	.02
San Luis Obispo County	7.72	.87		3.20	
Santa Barbara County	8.72	.57	1.00	1.50	
Orange County	11.50	.70	.90	.50	.03
LINE CONSTRUCTION:					
Imperial County					
Groundmen	10.96	.75	3%+1.45		
Linemen	13.70	.75	3%+1.45		
Cable Splicers	13.98	.75	3%+1.45		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	12.44	.90	3%+1.60		.15
Linemen	15.75	.90	3%+1.60		.15
Cable Splicers	17.33	.90	3%+1.60		.15
Kern County (Remainder of County)					
Groundmen	9.94	.90	3%+1.60		.15
Linemen	13.25	.90	3%+1.60		.15
Cable Splicers	14.58	.90	3%+1.60		.15
Orange County					
Groundman, 1st year	10.86	.81	3%+1.45		.02
Groundman, after 1st year	11.51	.81	3%+1.45		.02
Lineman; Heavy Equipment Operators	13.34	.81	3%+1.45		.02
Cable Splicers	13.95	.81	3%+1.45		.02
Los Angeles County					
Groundmen	9.86	1.25	3%+1.95		
Linemen	13.14	1.25	3%+1.95		
Cable Splicers	13.44	1.25	3%+1.95		
Inyo, Mono and San Bernardino Counties					
Groundmen	9.41	1.11	3%+2.00		.04
Linemen	12.72	1.11	3%+2.00		.04
Cable Splicers	13.00	1.11	3%+2.00		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Riverside County					
Groundmen	$ 9.65	.85	3%+1.65		.04
Linemen; Line Equipment Operators	13.08	.85	3%+1.65		.04
Cable Splicers	13.38	.85	3%+1.65		.04
San Luis Obispo County					
Groundmen	9.66	1.00	1%+1.35		.03
Linemen; Line Equipment Operators	12.26	1.00	1%+1.35		.03
Cable Splicers	13.48	1.00	1%+1.35		.03
Ventura County					
Groundmen	12.20	1.00	3%+1.05		.02
Linemen	13.41	1.00	3%+1.05		.02
Cable Splicers	14.75	1.00	3%+1.05		.02
Santa Barbara County (Vandenburg AFB)					
Groundmen	11.80	1.10	3%+1.35		.03
Linemen	15.15	1.10	3%+1.35		.03
Cable Splicers	16.15	1.10	3%+1.35		.03
Remainder of County					
Groundmen	10.05	1.10	3%+1.35		.03
Linemen	13.40	1.10	3%+1.35		.03
Cable Splicers	14.40	1.10	3%+1.35		.03
MARBLE SETTERS:					
Inyo and Mono Counties	10.64	1.00	.83	1.03	
Imperial County	11.84	.81	1.17		.08
MARBLE, TERRAZZO & TILE SETTERS' HELPERS:					
Imperial County	9.04	.81	1.17		.08
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)					
Brush; Paint Burners	10.99	1.09	1.18	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	11.49	1.09	1.18	.75	.07
Brush (swing stage); Spray	11.24	1.09	1.18	.75	.07
Steeplejack	12.39	1.09	1.18	.75	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino (west of a line north of Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	$ 11.64	.66	.80	.60	.02
Structural steel and bridge; Painter Burner	11.76	.66	.80	.60	.02
Tapers	12.59	.66	.80	.60	.02
Brush Swing Stage (13 stories or less); Paperhangers; Sandblasters; Spray	11.89	.66	.80	.60	.02
Brush swing stage (over 13 stories)	12.01	.66	.80	.60	.02
Structural steel and bridge, swing	12.04	.66	.80	.60	.02
Spray sandblaster swing stage (13 stories or less); Paste Machine; Special coating Spray	12.14	.66	.80	.60	.02
Steeplejack	12.89	.66	.80	.60	.02
Kern County (Remainder of County)					
Brush	9.87	.45	.61		.03
Brush or Roller, swing stage; Paperhangers; Taping joint sheet rock	10.12	.45	.61		.03
Spray; Sandblasters	10.37	.45	.61		.03
Steeplejack	11.37	.45	.61		.03
San Luis Obispo, Santa Barbara, and Ventura Counties					
Brush; Pot Tender	11.66	.90	.75		.03
Paperhangers; Paste Machine Operators; Iron and steel	11.91	.90	.75		.03
Spray; Taper; Sandblasters	12.16	.90	.75		.03
Sign Painter	12.31	.90	.75		.03
Steeplejack	12.66	.90	.75		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	$ 10.47	.55	.40	b	
Striper Helper	8.47	.55	.40	b	
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface; Sandblaster	9.37	.55	.40	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.97	.55	.40	b	
Slurry Seal Operation					
Mixer Operator	9.37	.55	.40	b	
Squeegee Man	8.87	.55	.40	b	
Applicator Operator	7.97	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.47	.55	.40	b	
Remaining Counties:					
Traffic Delineating Device Applicator	9.37	.55	.40	b	
Striper; Wheel Stop Installer; Surface Sandblaster	8.98	.55	.40	b	
Helper (striper, wheel stop installer, traffic surface sandblaster)	7.08	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	8.98	.55	.40	b	
Squeegee Man	7.98	.55	.40	b	
Applicator Operator	7.08	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.08	.55	.40	b	
PLASTERERS:					
Imperial County	11.03				
Los Angeles and Orange Cos.	12.135	.83	1.85		.115
Riverside and San Bernardino Counties	15.00				.01
San Luis Obispo County	12.00				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	13.16	.80	2.15		.02
PLASTERERS TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	11.37	1.05	2.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS TENDERS: (Cont'd)					
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	$12.075	$1.05	$ 2.45	.60	
Kern County (Remainder of Co.)	9.45	1.05	2.45	.60	
Los Angeles and Orange Cos.	10.475	1.05	2.45	.85	
San Luis Obispo County	8.35	.95	1.95	.50	
Santa Barbara County (except Santa Maria)	9.98	1.05	2.45	.60	
Santa Barbara Co. (Santa Maria)	10.08	1.05	2.45	.60	
Ventura County	11.23	1.05	2.45	1.10	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	12.41	10%	16%	13%	3/4%
Inyo, Kern (except east of Los Angeles (Aqueduct) and Mono Counties	10.88	.95	1.85	1.45	.17
Kern County (East of Los Angeles Aqueduct)	13.38	.95	1.85	1.45	.17
REFRIGERATION & AIR CONDITIONING:					
Riverside and San Bernardino Counties	9.85	.96	.70	.90	.05
Los Angeles and Orange Counties	12.53	1.85	1.80	1.52	.20
ROOFERS:					
Imperial County	9.99	.50	.75	1.00	
Inyo, Kern and Mono Counties	10.20	.60	.60		
Riverside and San Bernardino Counties	10.45	.80	.75	1.10	
Los Angeles, Orange and Ventura Counties	12.32	.92	1.10		.065
San Luis Obispo and Santa Barbara Counties	10.43	.535	.34		.0025
SHEET METAL WORKERS:					
Imperial County	11.96	1.04	2.24		
Kern County (China Lake Naval Ordnance Test Station and Edwards AFB)	13.67	1.04	1.80		.02
Kern County (Remainder of County and all of Inyo and Mono Counties, Los Angeles County (That portion North of a straight line drawn between Gorman and Big Pines)	11.17	1.04	1.80	.02	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
Los Angeles County (Remaining portion)	$ 12.78	1.04	$ 2.24		.08
Orange County	11.62	1.04	2.13		.09
Riverside and San Bernardino Counties	10.10	1.04	1.80		.08
San Luis Obispo, Santa Barbara and Ventura Counties	12.73	1.04	2.02		
SOFT FLOOR LAYERS:					
Imperial County	9.55	.60	1.05		.07
Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino and Ventura Counties	11.00	.70	.82	.60	.06
Kern County, including that portion lying East of the Los Angeles Aqueduct and that portion of Inyo County included within the Inyo-Kern Naval Reservation	9.97	.70	.60	1.18	.07
SPRINKLER FITTERS:					
Imperial Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario, San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	15.07	.65	.95		.08
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	14.66	.66	.90		.09
TERRAZZO WORKERS:					
Imperial County	11.84	.81	1.17		.08
TILE SETTERS:					
Imperial County	11.84	.81	1.17		.08
Los Angeles, Orange and Ventura Counties	11.99	.90	1.10		.09
San Luis Obispo and Santa Barbara Counties	9.47	1.05	1.20	.85	.01
Riverside and San Bernardino Counties	11.67	1.03	1.35		
Inyo, Kern and Mono Counties	11.20	.65	.55		
TILE SETTERS' HELPERS:					
Los Angeles, Orange and Ventura Counties	9.46	1.25	1.24		.13

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34 per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund; over 10 years $.54 per hour to Vacation Fund.

LABORERS (Tunnel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BATCH PLANT LABORERS; Bull Gang Mucker, Trackman; Concrete Crew, including Rodders and Spreaders; Changehouseman; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man	$ 9.64	$1.05	$ 2.45	.60	
CABLE TENDER; Chuck Tender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller); Loading and unloading agitator cars; Pot tender using mastic or other materials	9.76	1.05	2.45	.60	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout Mixerman; Grout pumpman; Jack-leg miner; Jumbo man; Kemper and other pneumatic concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer Man; Shotcrete Man; Steel Form Raiser and setter; Timber-man; Retimber (wood or steel); Tunnel concrete finisher; Nozzleman; Operating troweling and/or Grouting Machine; Sandblaster	9.92	1.05	2.45	.60	
SHAFT, Raise miner; Diamond driller	10.20	1.05	2.45	.60	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.95	$1.05	$ 2.45	.60	.10
Group 2	8.10	1.05	2.45	.60	.10
Group 3	8.30	1.05	2.45	.60	.10
Group 4	8.45	1.05	2.45	.60	.10
Group 5	8.60	1.05	2.45	.60	.10

Group 1: Boring Machine Helper (outside); Cleaning and Handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of Shee-bolt Holes; Fire Watcher, Limbers, Brush Loaders, Pilers and Debris Handlers; Flag-man; Gas, oil and/or water pipeline laborer; Laborer, general or con-struction; Laborer; general cleanup; Laborer, landscaping; Laborer, jetting, temporary water and air lines; Material Hoseman (walls, slabs, floors and decks); Rigging and signaling; Scaler; Slip Form Raisers; Slurry Seal crews (mixer operator, applicator operator, squeegee man, shuttle man, top man); Striper, asphalt, concrete or other paved sur-faces; Tarman and mortar man; Tool crib or tool house Laborer; Traffic delineating device applicator; Window cleaner; Wire mesh pulling--all concrete pouring operations

Group 2: Asphalt Shoveler; Cement dumper (on 1 yard or larger mixer and handling bulk cement); Cesspool Digger and Installer; Chucktender; Chute Man, pouring concrete, the handling of the chute from readymix trucks, such as walls, slabs, decks, floors, foundations, footings, curbs, gutters and sidewalks; Concrete curer--impervious membrane and form oiler; Cutting torch operator (demolition); Fine grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water pipeline wrapper--pot tender and form man; Guinea chaser; Headerboard Man--asphalt; Laborer, packing rod steel and pans; Power broom sweepers (small); Riprap stonepaver, placing stone or wet sacked concrete; Roto scraper and tiller; Sandblaster (pot tender); Septic tank digger and installer (leadman); Tank scaler and cleaner; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Underground laborer, including caisson bellower

LABORERS (Cont'd)

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scoring old or new concrete; Driller, Jackhammer, 2-1/2 ft. drill steel or longer; Dri Pak-it Machine; Gas, oil and/or Water Pipeline Wrapper--6" Pipe and over by any method, inside and out; Hydro Seeder and similar type; Impact Wrench, multi-plate; Kettlemen, Potmen and Men applying asphalt, lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of Pneumatic, gas, electric tools, Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including rubber gasket joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Muliple Head Concrete Chipping Scarifier; Steel Header-board Man and Guideline Setter; Tampers, Barko, Wacker and similar type; Trenching Machine, hand propelled

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, hand-guided Lagging Hammer; Head Rock slinger; Laser Beam; Oversize Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blasters Powderman--all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller: All power drills, excluding Jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Gunnite)					
Nozzlemen and Rodmen	9.67	1.05	2.45	.60	
Gunmen	9.17	1.05	2.45	.60	
Reboundmen	8.21	1.05	2.45	.60	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS DREDGING					
(Hydraulic Suction Dredges)					
LEVERMAN	$11.60	.95	$ 2.00	.50	.04
WATCH ENGINEER; Welder	11.02	.95	2.00	.50	.04
DECKMATE	10.54	.95	2.00	.50	.04
WINCHMAN (Stern winch or dredge)	10.47	.95	2.00	.50	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	9.93	.95	2.00	.50	.04
(Clamshell Dredges)					
LEVERMAN	11.60	.95	2.00	.50	.04
WATCH ENGINEER	11.02	.95	2.00	.50	.04
DECK MATE	10.54	.95	2.00	.50	.04
BARGE MATE	10.47	.95	2.00	.50	.04
BARGEMAN; Deckhand; Fireman; Oiler	9.93	.95	2.00	.50	.04
POWER EQUIPMENT OPERATORS					
Group 1:	9.75	.95	2.00	.50	.04
Group 2:	10.03	.95	2.00	.50	.04
Group 3:	10.32	.95	2.00	.50	.04
Group 4:	10.46	.95	2.00	.50	.04
Group 5:	10.68	.95	2.00	.50	.04
Group 6:	10.79	.95	2.00	.50	.04
Group 7:	10.91	.95	2.00	.50	.04
Group 8:	11.08	.95	2.00	.50	.04
Group 9:	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.R.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driver Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or Finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Mahcine; Slip Form Pump (power-dirven hydraulic lifting device for concrete forms); Skiploader (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, Tamper Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive (over 10 and up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity)(Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpiller, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds.struck); Rubber-tired Earth Moving Equipment (multiple engine, up to and including 25 yds. struck); Rubber-tired Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar) Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (Long Boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick Barge (long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel), gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.)(long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 6½ yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable; Hoist-stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more)(long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber tired self-loading Scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yd.)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$ 8.72	$ 1.25	.70	$1.00	.10
Group 2:	8.80	1.25	.70	1.00	.10
Group 3:	8.86	1.25	.70	1.00	.10
Group 4:	8.95	1.25	.70	1.00	.10
Group 5:	8.98	1.25	.70	1.00	.10
Group 6:	9.00	1.25	.70	1.00	.10
Group 7:	9.04	1.25	.70	1.00	.10
Group 8:	9.05	1.25	.70	1.00	.10
Group 9:	9.10	1.25	.70	1.00	.10
Group 10:	9.13	1.25	.70	1.00	.10
Group 11:	9.18	1.25	.70	1.00	.10
Group 12:	9.20	1.25	.70	1.00	.10
Group 13:	9.25	1.25	.70	1.00	.10
Group 14:	9.50	1.25	.70	1.00	.10
Group 15:	9.75	1.25	.70	1.00	.10
Group 16:	9.85	1.25	.70	1.00	.10

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helepr

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour additional for Tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All-off-highway Equipment within Teamsters jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

SUPERSEDEAS DECISION

STATE: CALIFORNIA

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA78-5005

DATE: Date of Publication

Supersedes Decision No. CA77-5093 dated September 30, 1977, in 42 FR 52953

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.65	$1.05	$ 1.27		.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	11.22	1.03	1.60		.12
Kern County	12.65	1.00	1.45		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Orange County	11.20	1.15	1.45		.30
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia, and South of Rosecrans Blvd., including Long Beach)	11.20	1.15	1.45		.30
Riverside and San Bernardino Counties	11.20	1.28	1.55		.14
Santa Barbara and San Luis Obispo Counties	11.50	1.15	1.30		.02
Ventura County	11.78	1.00	1.20		.05
BRICK TENDERS	8.45	1.05	2.45	.60	
CARPENTERS:					
Carpenters	10.05	1.49	1.95	1.00	.06
Saw Filers	10.13	1.49	1.95	1.00	.06
Table Power Saw Operators	10.15	1.49	1.95	1.00	.06
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	10.18	1.49	1.95	1.00	.06
Hard wood floor layers	10.25	1.49	1.95	1.00	.06
Head Rock Slinger	10.28	1.49	1.95	1.00	.06
Pneumatic Nailer	10.30	1.49	1.95	1.00	.06
Millwrights	10.55	1.49	1.95	1.00	.06
CEMENT MASONS:					
Cement Masons	9.41	1.10	1.75	1.00	.08
Cement Floating and Troweling Machine	9.66	1.10	1.75	1.00	.08
DRYWALL INSTALLERS	11.40	1.49	1.95	.90	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Imperial County					
Electricians	$ 13.70	.75	3%+1.45		
Cable Splicers	13.98	.75	3%+1.45		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	15.75	.90	3%+1.60		.15
Cable Splicers	17.33	.90	3%+1.60		.15
Kern County (Remainder of County)					
Electricians; Technicians	13.25	.90	3%+1.60		.15
Cable Splicers	14.58	.90	3%+1.60		.15
Los Angeles County					
Electricians	13.02	1.25	3%+1.95		.07
Cable Splicers	13.32	1.25	3%+1.95		
Orange County					
Electricians	13.34	.81	3%+1.45		.02
Cable Splicers	13.95	.81	3%+1.45		.02
Riverside County					
Electricians	13.06	.85	3%+1.65		.04
Cable Splicers	13.36	.85	3%+1.65		.04
San Bernardino County					
Electricians	12.70	1.11	3%+2.00		.04
Cable Splicers	13.00	1.11	3%+2.00		.04
San Luis Obispo County					
Electricians	13.41	1.20	3%+1.50		.03
Cable Splicers	14.75	1.20	3%+1.50		.03
Santa Barbara County (Vandenburg AFB)					
Electricians	15.00	1.10	3%+1.50		.03
Cable Splicers	16.00	1.10	3%+1.50		.03
Remainder of County					
Electricians	13.25	1.10	3%+1.50		.03
Cable Splicers	14.25	1.10	3%+1.50		.03
Ventura County					
Electricians	13.41	.84	3%+1.05		.02
Cable Splicers	14.75	.84	3%+1.05		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	13.41	.745	.56	a	.02
Elevator Constructors' Helpers	70%JR	.745	.56	a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Kern, County (North of Tehachapi Range)					
Elevator Constructors	$ 14.82	.745	.56	a	.02
Elevator Constructors' Helpers	70%JR	.745	.56	a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	10.90	.67	.90		
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	11.19	.67	1.45		.04
IRONWORKERS:					
Fence Erectors	10.66	1.24	2.22	1.46	.06
Reinforcing	11.55	1.24	2.22	1.46	.06
Ornamental; Structural	11.55	1.24	2.22	1.46	.06
IRRIGATION & LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	9.75	10%	16%	13%	1%
LATHERS:					
Kern County	9.13	.60	1.30	.70	.05
Los Angeles County (excpet City of Lancaster)	12.00	.70	.90		.03
Ventura County	11.98	1.05	1.13	1.50	.02
San Luis Obispo County	7.72	.87		3.20	
Santa Barbara County	8.72	.57	1.00	1.50	
Orange County	11.50	.70	.90	.50	.03
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area); San Bernardino (excluding Western portion)					
Brush; Paint Burners	10.99	1.09	1.18	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet Rock Taper	11.49	1.09	1.18	.75	.07
Brush (swing stage); Spray	11.24	1.09	1.18	.75	.07
Steeplejack	12.39	1.09	1.18	.75	.07
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Plmona Area), San Bernardino (west of a line North of Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	11.64	.66	.80	.60	.02
Structural steel and bridge; Painter Burner	11.76	.66	.80	.60	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: Cont'd)					
Tapers	$ 12.59	.66	.80	.60	.02
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	11.89	.66	.80	.60	.02
Brush swing stage (over 13 stories)	12.01	.66	.80	.60	.02
Structural steel and bridge, swing	12.04	.66	.80	.60	.02
Spray sandblaster swing stage (13 stories or less); Paste-machine; Special coating spray	12.14	.66	.80	.60	.02
Steeplejack	12.89	.66	.80	.60	.02
Kern County (Remainder of Co.) Brush	9.87	.45	.61		.03
Brush or roller, swing stage; Paperhangers; Taping joint Sheet Rock	10.12	.45	.61		.03
Spray; Sandblasters	10.37	.45	.61		.03
San Luis Obispo, Santa Barbara and Ventura Counties Brush; Pot Tender	11.66	.90	.75		.03
Paperhangers; Paste Machine Operators; Iron and Steel	11.91	.90	.75		.03
Spray; Taper; Sandblasters	12.16	.90	.75		.03
Sign Painter	12.31	.90	.75		.03
Steeplejack	12.66	.90	.75		.03
PLASTERERS:					
Imperial County	11.03				
Los Angeles and Orange Cos.	12.135	.83	1.85		.115
Riverside and San Bernardino Counties	15.00				.01
San Luis Obispo County	12.00				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	13.16	.80	2.15		.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	11.37	1.05	2.45		
Kern County (China Lake Naval Ordnance Test Station, Edwards AFB)	12.075	1.05	2.45	.60	
Kern County (Remainder of Co.)	9.45	1.05	2.45	.60	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS: (Cont'd)					
Los Angeles and Orange Cos.	$ 10.475	1.05	$ 2.45	.85	
San Luis Obispo County	8.35	.95	1.95	.50	
Santa Barbara County (except Santa Maria)	9.98	1.05	2.45	.60	
Santa Barbara Co. (Santa Maria)	10.08	1.05	2.45	.60	
Ventura County	11.23	1.05	2.45	1.10	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties	12.41	10%	16%	13%	3/4%
Kern (except east of Los Angeles Aqueduct)	10.88	.95	1.85	1.45	.17
Kern (East of Los Angeles Aqueduct)	13.38	.95	1.85	1.45	.17
REFRIGERATION & AIR CONDITIONING:					
Riverside and San Bernardino Counties	9.85	.96	.70	.90	.05
Los Angeles and Orange Cos.	12.53	1.85	1.80	1.52	.20
ROOFERS:					
Imperial County	9.99	.50	.75	1.00	
Kern County	10.20	.60	.60		
Los Angeles, Orange and Ventura Counties	12.32	.92	1.10		.065
San Luis Obispo and Santa Barbara Counties	10.43	.535	.34		.0025
Riverside and San Bernardino Counties	10.45	.80	.75	1.10	
SHEET METAL WORKERS:					
Imperial County	11.96	1.04	2.24		
Kern County (China Lake Naval Ordnance Test Station and Edwards AFB)	13.67	1.04	1.80		.02
Kern County (Remainder of County); and Los Angeles Co. (That portion North of a straight line drawn between Gorman and Big Pines)	11.17	1.04	1.80		.02
Los Angeles County (Remaining portion)	12.78	2.24			.08
Orange County	11.62	1.04	2.13		
Riverside and San Bernardino Counties	10.10	1.04	1.80		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
San Luis Obispo, Santa Barbara and Ventura Counties	$ 12.73	$ 1.04	$ 2.02		
SOFT FLOOR LAYERS:					
Imperial County	9.55	.60	1.05		.07
Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino and Ventura Counties	11.00	.70	.82	.60	.06
Kern County	9.97	.70	.60	1.18	.07
SPRINKLER FITTERS:					
Imperial, Kern, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula Point Mugu and Port Hueneme)	15.07	.65	.95		.08
Los Angeles (Los Angeles City and Area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	14.66	.66	.90		.09
TILE SETTERS:					
Imperial County	11.84	.81	1.17		.08
Los Angeles, Orange and Ventura Counties	11.99	.90	1.10		.09
San Luis Obispo and Santa Barbara Counties	9.47	1.05	1.20	.85	.01
Riverside and San Bernardino Counties	11.67	1.03	1.35		
Kern County	11.20	.65	.55		
TILE SETTERS' HELPERS:					
Los Angeles, Orange and Ventura Counties	9.46	1.25	1.24		.13
Imperial County	9.04	.81	1.17		.08

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.95	$ 1.05	$ 2.45	.60	.10
Group 2	8.10	1.05	2.45	.60	.10
Group 3	8.30	1.05	2.45	.60	.10
Group 4	8.45	1.05	2.45	.60	.10
Group 5	8.60	1.05	2.45	.60	.10
GUNITE LABORERS					
Nozzlemen and Rodmen	9.67	1.05	2.45	.60	
Gunmen	9.17	1.05	2.45	.60	
Reboundmen	8.21	1.05	2.45	.60	

LABORERS

Group 1: Boring Machine Helper (outside); Cleaning and Handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry Packing of concrete, plugging, filling of Shee-Bolt Holes; Fire Watcher, Limbers, Brush Loaders, Pilers and Debris Handlers; Flagman, Gas, oil and/or water pipeline laborer; Laborer, general or construction; Laborer, general cleanup; Laborer, landscaping; Laborer, jetting; Laborer, temporary water and air lines; Material Hoseman (ealls, slabs, floors and decks); Rigging and signaling; Scaler; Slip Form Raisers; Slurry Seal Crews (mixer operator, applicator operator, squeegee man, shuttle man, top man); Striper, asphalt, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Delineating Device Applicator; Window Cleaner; Wire Mesh Pulling--all concrete pouring operations

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger mixer and handling bulk cement); Cesspool Digger and Installer; Chucktender; Chute Man, pouring concrete, the handling of the chute from readymix trucks, such as walls, slabs, decks, floors, foundations, footings, curbs, gutters and sidewalks; Concrete Curer--Impervious Membrane and Form Oiler; Cutting torch operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water pipeline wrapper--pot tender and form man; Cuinea Chaser; Headerboard man--Asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblastere (pot tender); Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner; Tree Climber, faller, chain saw operator, Pittsburgh Chipper and ismilar type Brush Shredders; Underground Laborer, including Caisson Bellower

LABORERS (Cont'd)

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete core Cutter, Grinder of Sander; Concrete Cutting torch; Concrete Saw Man, cutting, scoring old or new concrete; Driller; Jackhammer, 2-1/2 ft. drill steel or longer; Dri Pak-it Machine; Gas, oil and/or Water Pipeline Wrapper--6" Pipe and over by any method, inside and out; Hydro Seeder and similar type; Impact Wrench, multi-plate; Kettlemen, Potmen and Men applying asphalt, lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of Pneumatic, gas, electric tools, Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not spearately classificed herein; Pipelayer's Backup Man, coating, grouting making of joints, sealing, caulking, diapering and including rubber gasket joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scafifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker and similar type; Trenching Machine, hand propelled

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Oversize Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (nozzleman), water blasting; Welding in connection with laborers' work

Group 5: Blasters Powderman--all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller: All power drills, excluding jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.R.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M.or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6ft.)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oilfield type); Drilling Machine Operator (including water wells; Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or Finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Skiploader (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Stinger Crane (Austin-Western or similar type); Tractor-Bulldozer,

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bride Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer -paving; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rial or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Earth Moving Equipment (multiple Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type-over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe. Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (Long Boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick Barge (long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel), gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.)(long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 6½ yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable; Hoist-stiff Legs, Guy Derrick or, similar types (capable of hoisting 100 tons or more)(long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber tired self-loading Scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yd.)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$ 8.72	$ 1.25	.70	$1.00	.10
Group 2:	8.80	1.25	.70	1.00	.10
Group 3:	8.86	1.25	.70	1.00	.10
Group 4:	8.95	1.25	.70	1.00	.10
Group 5:	8.98	1.25	.70	1.00	.10
Group 6:	9.00	1.25	.70	1.00	.10
Group 7:	9.04	1.25	.70	1.00	.10
Group 8:	9.05	1.25	.70	1.00	.10
Group 9:	9.10	1.25	.70	1.00	.10
Group 10:	9.13	1.25	.70	1.00	.10
Group 11:	9.18	1.25	.70	1.00	.10
Group 12:	9.20	1.25	.70	1.00	.10
Group 13:	9.25	1.25	.70	1.00	.10
Group 14:	9.50	1.25	.70	1.00	.10
Group 15:	9.75	1.25	.70	1.00	.10
Group 16:	9.85	1.25	.70	1.00	.10

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver or vehicle or combinations of vehicles of 2 axles (including all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted Power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, of less than 16 yards

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helepr

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour additional for Tireman)

Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver of vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All-off-highway Equipment within Teamsters jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Repairman

Group 16: Truck Repairman Welder

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA78-5006 DATE : Date of Publication
Supersedes Decision No. CA77-5094 dated September 30, 1977, in 42 FR 52961
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.65	$ 1.05	$ 1.27		.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons	11.44	1.03	1.19		.12
BRICK, BLOCK and STONEMASONS' TENDERS	9.87	.77	1.95		
CARPENTERS:					
Carpenters	11.26	.56	1.20	.80	.07
Piledrivermen	11.39	.56	1.20	.80	.07
Millwrights; Pneumatic Nailer; Hardwood Floorlayers	11.51	.56	1.20	.80	.07
CEMENT MASONS:					
Cement Masons	8.81	.88	1.66	1.36	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	9.11	.88	1.66	1.36	.07
DRYWALL INSTALLERS	12.85	.66	1.20	.80	.07
ELECTRICIANS:					
Electricians	13.28	.70	3%+1.71		.02
Cable Splicers	13.58	.70	3%+1.71		.02
ELEVATOR CONSTRUCTORS	13.41	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.90	.67	.90		
IRONWORKERS:					
Fence Erectors	10.66	1.24	2.22	1.46	.06
Reinforcing	11.55	1.24	2.22	1.46	.06
Ornamental; Structural	11.55	1.24	2.22	1.46	.06
IRRIGATION And LAWN SPRINKLERS	9.75	10%	16%	13%	1%
LATHERS:					
Northern portion of San Diego County from center of City of Del Mar	11.50	.60	1.00		.05
Remainder of County	11.86	.60	.70	.70	.02
LINE CONSTRUCTION:					
Groundman	10.45	.70	3%+1.71		.02
Linemen	13.57	.70	3%+1.71		.02
Cable Splicers	13.87	.70	3%+1.71		.02
MARBLE SETTERS	11.84	.81	1.17		.08
MARBLE SETTERS' HELPERS	9.04	.81	1.00		.08
PAINTERS:					
Brush; Painter Burner	10.99	1.09	1.18	.75	.07
Swing Stage; Brush; Spray; Iron, steel and bridge Painter (ground work)	11.24	1.09	1.18	.75	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Riggers, climbing steel; Brush, climbing steel and bridge	$ 11.49	1.09	$ 1.18	.75	.07
Sandblaster, swing stage; Iron, steel and bridge, spray swing stage; Spray, climbing steel and bridge	11.74	1.09	1.18	.75	.07
Steeplejack	12.39	1.09	1.18	.75	.07
PARKING LOT WORK And/Or HIGHWAY MARKERS:					
Traffic delineating device applicator	9.37	.55	.40	b	
Wheel stop installer; Traffic surface sandblaster; Striper	8.98	.55	.40	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Striper)	7.08	.55	.40	b	
SLURRY SEAL OPERATION:					
Mixer Operator	8.98	.55	.40	b	
Squeegee Man	7.98	.55	.40	b	
Applicator Operator	7.08	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.08	.55	.40	b	
PLASTERERS	11.46	.65	1.75		.07
PLASTERERS' TENDERS	10.46	.77	1.95	.50	
PLUMBERS; Steamfitters	12.41	10%	16%	13%	3/4%
ROOFERS	11.29	.60	.75	1.00	
SHEET METAL WORKERS	12.96	1.04	2.24		.01
SOFT FLOOR LAYERS	9.55	.60	1.05		.07
SPRINKLER FITTERS	15.07	.65	.95		.08
TERRAZZO WORKERS	11.84	.81	1.17		.08
TILE SETTERS	11.84	.81	1.17		.08
TERRAZZO And TILE HELPERS	9.04	.81	1.00		
RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34 per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund, over 10 years $.54, per hour to Vacation Fund.

PAID HOLIDYAS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, General Construction; Gas and Oil Pipeline; Jetman; Tool Shed Checker; Using dry pack; Flagman	$ 7.36	.77	$ 2.05	.75	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.41	.77	2.05	.75	.13
GUINEA CHASER	7.44	.77	2.05	.75	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	7.46	.77	2.05	.75	.13
LABORER (packing rod steel and pans); Tank Scaler and Cleaner	7.485	.77	2.05	.75	.13
DRILLER'S HELPER (Caisson) including Bellowers; Boring Machine Helper	7.49	.77	2.05	.75	.13
WINDOW CLEANER; Chuck Tender (except tunnels); Septic tank digger and installer (Leadman)	7.51	.77	2.05	.75	.13
CESSPOOL DIGGER AND INSTALLER	7.54	.77	2.05	.75	.13
CONCRETE CURER; Impervious Membrane; Riprap Stonepaver; Sandblaster (pot tender); Pipelayer Backup Man, Coating, Grouting, Making of Joints, Sealing, Caulking, Diapering, and inlcuding Rubber Gasket Joints; Pointing and any and all other services	7.55	.77	2.05	.75	.13
ASPAHLT RAKER, IRONER, SPREADER; Buggymobile Man; Cement Dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete Saw Man (excluding tractor type); Roto-scraper, chipping hammer; Concrete Core Cutter and Form Blower; Gas and oil pipeline wrapper-pot tenders and Form Man; Operators and Tenders of pneumatic and electric tools, concrete pump, Vibrating machines and similar mechanical tools not separately classified herein; Tree Climber using mechanical tools	7.57	.77	2.05	.75	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.62	.77	2.05	.75	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRILLERS, all other when drilling is for use of explosives	$ 7.65	.77	$ 2.05	.75	.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's work	7.67	.77	2.05	.75	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.70	.77	2.05	.75	.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.72	.77	2.05	.75	.13
STEEL HEADERBOARD MAN	7.785	.77	2.05	.75	.13
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	7.81	.77	2.05	.75	.13
POWDERMAN, BLASTERS	7.845	.77	2.05	.75	.13
HEAD ROCK SLINGER	7.88	.77	2.05	.75	.13
FENCE ERECTORS:					
Class 1	7.86	.77	2.05	.75	.13
Class 2	7.61	.77	2.05	.75	.13
Class 3	7.36	.77	2.05	.75	.13
HOUSEMOVERS	7.355	.77	2.05	.75	.13
LABORERS (Tunnel and Shaft Work)					
BULL GANG; Concrete Crew (includes rodders and spreaders); Dumpmen; Grout Crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakeman and switchmen to tunnel work) CHUCK TENDER; Cable Tender;	7.65	.77	2.05	.75	.13
CHUCK TENDER; Cable Tender; Nipper; Steel Form Raiser and Setters' Helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	7.75	.77	2.05	.75	.13
GROUT GUNMEN	7.85	.77	2.05	.75	.13

LABORERS (Cont'd) (Tunnel and Shaft Work)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BLASTERERS; Drillers; Cherry Pickerman; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine) Powdermen; Primerhouse; Timbermen; Retimbermen; (Wood or steel); Steel Form Raisers and Setters	$ 7.90	.77	$ 2.05	.75	.13
SHAFT AND RAISE MINER	8.15	.77	2.05	.75	.13
GUNITE WORKERS:					
Nozzlemen and Rodmen	8.09	.77	2.05	.75	.13
Gunmen	7.77	.77	2.05	.75	.13
Reboundmen	7.355	.77	2.05	.75	.13
POWER EQUIPMENT OPERATORS					
Group 1	9.75	.95	2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.R.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M.or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; High-line Cableway Signalman; Hydra-hammer-aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6ft.)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oilfield type); Drilling Machine Operator (including water wells; Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or Finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Skiploader (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Stinger Crane (Austin-Western or similar type); Tractor-Bulldozer,

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bride Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer -paving; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rial or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Earth Moving Equipment (multiple Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type-over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe. Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (Long Boom pay applicable); Self-propelled Curb and Gutter Machine

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick Barge 9Long Boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-Welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 6½ yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable); Hoist-stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber tried self-loading Scraper (Paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yds.)

POWER EQUIPMENT OPERATORS DREDGING (Hydraulic Suction Dredges)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEVERMAN	$ 11.60	.95	$ 2.00	.50	.04
WATCH ENGINEER: Welder	11.02	.95	2.00	.50	.04
DECKMATE	10.54	.95	2.00	.50	.04
WINCHMAN (Stern winch or dredge)	10.47	.95	2.00	.50	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	9.93	.95	2.00	.50	.04
(Clamshell Dredges)					
LEVERMAN	11.60	.95	2.00	.50	.04
WATCH ENGINEERS	11.02	.95	2.00	.50	.04
DECKMATE	10.54	.95	2.00	.50	.04
BARGEMATE	10.47	.95	2.00	.50	.04
BARGEMAN; Deckhand; Fireman; Oiler	9.93	.95	2.00	.50	.04

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.85	$1.05	.95	$1.00	.10
Group 2	9.05	1.05	.95	1.00	.10
Group 3	9.25	1.05	.95	1.00	.10
Group 4	9.45	1.05	.95	1.00	.10
Group 5	11.45	1.05	.95	1.00	.10
Group 6	8.55	1.05	.95	1.00	.10

TRUCK DRIVERS

Group 1: 2 axle dumps; 2 axle flatbed; Bunkerman; Concrete pumping; Industrial lift; Truck repairman helper; Welder helper; Warehouseman; Forklift under 15,000 lbs.

Group 2: 3 axle dump; 3 axle flat bed; 2 axle water trucks; Erosin Control nozzleman; dumpcrete, less than 6½ yds.; Forklift 15,000 lbs. and over; Prell; Pipeline working truck driver; Road oil spreader; Cement distributor or slurry driver; Bootman; Ross carrier

Group 3: Off-road dump under 35 tons; 4 axle but less than 7 axle; Lowbed and trailer; Transit mix, under 8 yds.; 3 axle water trucks; Erosin control; Grout mixer; Dumpcrete 6½ yds. and over; Dumpsters; DW 10's, 20's and over; Fuel truck and Dynamite; Winch, 2 axle; Truck greaser

Group 4: Off-road dump 35 tons and over; 7 axle or more; Transit mix, 8 yds. and over; A-Frame or Swedish Cranes; Tireman; Water pull tankers; Welders; Winch truck, 3 axle or more

Group 5: Truck Repairman

Group 6: Traffic control, also swampers and helpers and pickups

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA78-5007 DATE : Date of Publication
Supersedes Decision No.CA77-5095 dated September 30, 1977, in 42 FR 52969.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.65	$ 1.05	$ 1.27		.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons	11.44	1.03	1.19		.12
BRICK, BLOCK and STONEMASONS' TENDERS	9.87	.77	1.95		
CARPENTERS:					
Carpenters	11.26	.56	1.20	.80	.07
Piledrivermen	11.39	.56	1.20	.80	.07
Millwrights; Pneumatic Nailer; Hardwood Floorlayers	11.51	.56	1.20	.80	.07
CEMENT MASONS:					
Cement Masons	8.81	.88	1.66	1.36	.07
Color Work; Composition, Mastic or Epoxy, Finishing Machine; Curb Machine	9.11	.88	1.66	1.36	.07
DRYWALL INSTALLERS	12.85	.66	1.20	.80	.07
ELECTRICIANS:					
Electricians	13.28	.70	3%+1.71		.02
Cable Splicers	13.58	.70	3%+1.71		.02
ELEVATOR CONSTRUCTORS	13.41	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.90	.67	.90		
IRONWORKERS:					
Fence Erectors	10.66	1.24	2.22	1.46	.06
Reinforcing	11.55	1.24	2.22	1.46	.06
Ornamental; Structural	11.55	1.24	2.22	1.46	.06
IRRIGATION and LAWN SPRINKLERS	9.75	10%	16%	13%	1%
LATHERS:					
Northern portion of San Diego County from center of City of Del Mar	11.50	.60	1.00		.05
Remainder of County	11.86	.60	.70	.70	.02
MARBLE SETTERS	11.84	.81	1.17		.08
MARBLE SETTERS' HELPERS	9.04	.81	1.00		.08
PAINTERS:					
Brush	10.99	.99	1.18	.75	.07
Spray; Swing Stage, Brush	11.24	.99	1.18	.75	.07
Paperhangers; Spray, Swing Stage; Sandblaster	11.49	.99	1.18	.75	.07
PLASTERERS	11.46	.65	1.75		.07
PLASTERERS' TENDERS	10.46	.77	1.95	.50	
PLUMBERS; Steamfitters	12.41	10%	16%	13%	3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 11.29	.60	.75	$ 1.00	
SHEET METAL WORKERS	12.96	1.04	2.24		.01
SOFT FLOOR LAYERS	9.55	.60	1.05		.07
SPRINKLER FITTERS	15.07	.65	.95		.08
TERRAZZO WORKERS	11.84	.81	1.17		.08
TILE SETTERS	11.84	.81	1.17		.08
TERRAZZO & TILE SETTERS HELPERS	9.04	.81	1.00		
RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental					
FOOTNOTES:					
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
LABORERS					
LABORERS, General Construction; Gas and oil Pipeline; Jetman; Tool Shed Checker; Using dry pack; Flagman	$ 7.36	.77	$ 2.05	.75	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.41	.77	2.05	.75	.13
GUINEA CHASER	7.44	.77	2.05	.75	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	7.46	.77	2.05	.75	.13
LABORER (packing rod steel and pans); Tank Scaler and Cleaner	7.485	.77	2.05	.75	.13
DRILLER'S HELPER (Caisson) including Bellowers; Boring Machine Helper	7.49	.77	2.05	.75	.13
WINDOW CLEANER; Chuck Tender (except tunnels); Septic tank digger and installer (leadman)	7.51	.77	2.05	.75	.13
CESSPOOL DIGGER AND INSTALLER	7.54	.77	2.05	.75	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CONCRETE CURER; Impervious Membrane; Riprap Stonepaver; Sandblaster (pot tender); Pipelayer Backup Man, Coating, Grouting, Making of Joints, Sealing, Caulking, Diapering, and including Rubber Gasket Joints; Pointing and any and all other services	$ 7.55	.77	$ 2.05	.75	.13
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete Saw man (excluding tractor type); Roto-Scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper-pot tenders and form man; Operators and tenders of pneumatic and electric tools, concrete pump, vibrating machines and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	7.57	.77	2.05	.75	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.62	.77	2.05	.75	.13
DRILLERS, all other when drilling is for use of explosives	7.65	.77	2.05	.75	.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's Work	7.67	.77	2.05	.75	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.70	.77	2.05	.75	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.72	.77	2.05	.75	.13
STEEL HEADERBOARD MAN	7.785	.77	2.05	.75	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	$ 7.81	.77	$ 2.05	.75	.13
POWDERMAN, BLASTERS	7.845	.77	2.05	.75	.13
HEAD ROCK SLINGER	7.88	.77	2.05	.75	.13
FENCE ERECTORS:					
Class 1	7.86	.77	2.05	.75	.13
Class 2	7.61	.77	2.05	.75	.13
Class 3	7.36	.77	2.05	.75	.13
HOUSEMOVERS	7.355	.77	2.05	.75	.13
POWER EQUIPMENT OPERATORS					
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.R.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driver Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (greaser truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd.); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or Finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Mahcine; Slip Form Pump (power-dirven hydraulic lifting device for concrete forms); Skiploader (Crawler and Wheel type over 3/4 yd. and up to and including 1½ yds.); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, Tamper Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive (over 10 and up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity)(Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpiller, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds.struck); Rubber-tired Earth Moving Equipment (multiple engine, up to and including 25 yds. struck); Rubber-tired Scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar) Bull-dozer, Tamper, Scraper and Push Tractor single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (Long Boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick Barge (long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman-welder Combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (long boom pay applicable); Monorail Locomotive (diesel), gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.)(long boom pay applicable); Tower Crane Repairman; Tractor Loader (crawler and wheel type over 6½ yds.); Welder-certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (long boom pay applicable; Hoist-stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more)(long boom pay applicable); Mass Excavator - less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber tired self-loading Scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired Scraper - pushing one another w/o Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 p/h additional to base rate); Wheel Excavator (over 750 cu. yd.)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.85	$1.05	.95	$1.00	.10
Group 2	9.05	1.05	.95	1.00	.10
Group 3	9.25	1.05	.95	1.00	.10
Group 4	9.45	1.05	.95	1.00	.10
Group 5	11.45	1.05	.95	1.00	.10
Group 6	8.55	1.05	.95	1.00	.10

TRUCK DRIVERS

Group 1: 2 axle dumps; 2 axle flatbed; Bunkerman; Concrete pumping; Industrial lift; Truck repairman helper; Welder helper; Warehouseman; Forklift under 15,000 lbs.

Group 2: 3 axle dump; 3 axle flat bed; 2 axle water trucks; Erosin Control nozzleman; dumpcrete, less than 6½ yds.; Forklift 15,000 lbs. and over; Prell; Pipeline working truck driver; Road oil spreader; Cement distributor or slurry driver; Bootman; Ross carrier

Group 3: Off-road dump under 35 tons; 4 axle but less than 7 axle; Lowbed and trailer; Transit mix, under 8 yds.; 3 axle water trucks; Erosin control; Grout mixer; Dumpcrete 6½ yds. and over; Dumpsters; DW 10's, 20's and over; Fuel truck and Dynamite; Winch, 2 axle; Truck greaser

Group 4: Off-road dump 35 tons and over; 7 axle or more; Transit mix, 8 yds. and over; A-Frame or Swedish Cranes; Tireman; Water pull tankers; Welders; Winch truck, 3 axle or more

Group 5: Truck Repairman

Group 6: Traffic control, also swampers and helpers and pickups

SUPERSEDEAS DECISION

STATE: Maryland COUNTIES: Cecil, Caroline, Dorchester, Harford, Kent, Queen Annes, Talbot, Wicomico, & Worcester

DECISION NO: MD78-3000 DATE: Date of Publication

Supersedes Decision No: 76-MD-3152 dated April 2, 1976 in 41 FR 14273.

DESCRIPTION OF WORK: Highway construction (does not include airport runways and taxiways, bridges over navigable waters, tunnels, rest areas which include building structures, and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$ 6.53				
Carpenters	6.08				
Cement Masons- Finishers	5.54				
Ironworkers, Structural	7.45				
Ironworkers, Reinforcing	6.50				
Laborers:					
Laborers	4.00				
Airtool operators	4.44				
Asphalt rakers-spreaders	4.57				
Formsetters	5.00				
Guardrail erectors	4.25				
Pipelayers	4.00				
Painters	4.75				
Piledrivermen	6.93				
Power Equipment Operators:					
Backhoe	5.97				
Bituminous-Concrete Paver	5.75				
Bulldozer	6.33				
Crane, Derrick, & Dragline	6.76				
Gradall	6.64				
Guardrail-Post Hammer	4.85				
Loader	6.19				
Mechanic	5.76				
Motor Patrol-Grader	6.47				
Oiler-Greaser	4.25				
Power Broom	5.03				
Roller, Base	5.19				
Roller, Finish	5.80				
Screed Operator	4.88				
Scraper, Pan, & Scoop	5.00				
Truck Driver	4.36				
Welders - Rate for Craft					

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide
DECISION NUMBER: WY78-5008 DATE: Date of Publication
Supersedes Decision No. WY77-5071 dated July 1, 1977, in 42 FR 34269.
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 8.37	.60	.60		.15
CEMENT MASONS	8.90	.50	.35		
IRONWORKEERS:					
Structural	6.21				
Reinforcing	5.50	.35			
PAINTERS:					
Brush and Spray	7.82				
LINE CONSTRUCTION:					
All work over 34.5 KV all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, streets and highway lighting:					
Cable Splicer	10.42	.35	3%		3/4%
Linemen	9.47	.35	3%		3/4%
Equipment Operators	8.55	.35	3%		3/4%
Groundmen	7.03	.35	3%		3/4%
All work 34.5 KV and under:					
Lineman	9.47	.35	3%		3/4%
Line Equipment Operator	8.19	.35	3%		3/4%
Groundman	7.03	.35	3%		3/4%

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:					
Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete) Nozzleman,air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc. Scissor Man or Hopper Man; Stake Jumber for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 5.21				
Group 2:					
Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	5.31				

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 3: Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	$ 5.46				
Group 4: Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	5.71				
Group 5: Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5.69				
Bull Gang; Dumpman; Mucker; Trackman	5.53				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	5.96				
Nipper; Chucktender; Topman; Toplander	5.80				

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.12	.35	.35		.01
Group 2	7.17	.35	.35		.01
Group 3	7.22	.35	.35		.01
Group 4	7.16	.35	.35		.01
Group 5	7.29	.35	.35		.01
Group 6	7.34	.35	.35		.01
Group 7	7.38	.35	.35		.01
Group 8	7.40	.35	.35		.01
Group 9	7.51	.35	.35		.01
Group 10	7.57	.35	.35		.01
Group 11	7.59	.35	.35		.01
Group 12	7.77	.35	.35		.01
Group 13	7.81	.35	.35		.01
Group 14	7.88	.35	.35		.01
Group 15	7.94	.35	.35		.01
Group 16	8.11	.35	.35		.01
Group 17	8.45	.35	.35		.01

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler; Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Curhser Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat,Dozer, Tournadozer, etc. (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pick-up Truck Drivers (when used for hauling)	$ 5.99	.35	.35		
Dump Truck Drivers (water level capacity box):					
7 cu. yds. and less	6.04	.35	.35		
Over 7 cu. yds. to and including 10 cu. yds.	6.19	.35	.35		
Over 10 cu. yds. to and including 13 cu. yds.	6.29	.35	.35		
Over 13 cu. yds. to and including 20 cu. yds.	6.79	.35	.35		
Over 20 cu. yds. to and including 25 cu. yds.	6.79	.35	.35		
Over 25 cu. yds. to and including 30 cu. yds.	6.89	.35	.35		
Over 30 cu. yds. to and including 35 cu. yds.	6.94	.35	.35		
Over 35 cu. yds. to and including 40 cu. yds.	6.99	.35	.35		
Over 40 cu. yds. to and including 45 cu. yds.	7.04	.35	.35		
Over 45 cu. yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	5.99	.35	.35		
Gravel Spreader	6.04	.35	.35		
Flat Rack Material Truck Drivers:					
Less than 2 tons	6.04	.35	.35		
2 tons to 5 tons	6.19	.35	.35		
Over 5 tons	6.29	.35	.35		
Low Boy and Tandem Axle Float Drivers	6.79	.35	.35		
Gang Truck Drivers	6.04	.35	.35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stringing Truck Drivers:					
Single axle type truck	$ 6.04	.35	.35		
Multiple axle type truck; semi	6.79	.35	.35		
Winch Trailer Truck Drivers (cable and hoist)	6.29	.35	.35		
Utility Winch Truck Drivers	6.29	.35	.35		
"A" Frame Truck Drivers	6.29	.35	.35		
Warehousemen, Partsmen and Helpers	6.04	.35	.35		
Material Checkers	6.19	.35	.35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu. yds.; Single axle	6.29	.35	.35		
Over 5 cu. yds. to and including 10 cu. yds.; Tandem axle	6.39	.35	.35		
Over 10 cu. yds.	6.49	.35	.35		
Power Broom Drivers and/or Operators	6.19	.35	.35		
Water Truck Drivers:					
2500 gal. or less (straight truck)	6.04	.35	.35		
2500 gal. or less (semi truck)	6.19	.35	.35		
Over 2500 gal. to and including 3600 gal.	6.29	.35	.35		
Over 3600 gal. (straight truck)	6.39	.35	.35		
Over 3600 gal. (semi truck)	6.49	.35	.35		

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty (Euclids, electric or similar type)	$ 6.79	.35	.35		
Fuel Service Truck Drivers	6.04	.35	.35		
Greasemen, Tiremen, Service Men and Helpers	6.04	.35	.35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6.99	.35	.35		
Helpers - field (welders, mechanics, etc.)	6.55	.35	.35		

[FR Doc. 78-2101 Filed 1-26-78; 8:45 am]

federal register

FRIDAY, JANUARY 27, 1978
PART VI



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT

Applications for Permits to Fish off the Coasts of the United States

[4710-01]

DEPARTMENT OF STATE

[Public Notice 588]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Governments of Spain and the Union of Soviet Socialist Republics, and are published herewith.

Dated: January 18, 1978.

DONALD J. YELLMAN,
Acting Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0056

1. Name of Vessel KANTXOPE 2. Visual Identifier (Call Sign) E.G.Z.J.

3. Type of Vessel Stern trawler 4. Length 48

5. Gross Tonnage 483 6. Net Tonnage 220 7. Maximum Speed (knots) 12

8. Owner's Name and Address MARBASA, S.A. Dársena de Eguidazu, 1, 2 y 3
ONDARROA (Vizcaya)

9. Types of Processing Equipment Flash freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU		Bottom trawl	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. SP-78-0079

1. Name of Vessel PEÑALBA 2. Visual Identifier (Call Sign) E.F.K.M.

3. Type of Vessel Side trawler 4. Length 44

5. Gross Tonnage 481 6. Net Tonnage 248 7. Maximum Speed (knots) 10

8. Owner's Name and Address MANUEL GESTOSO COSTAS.- Tomás A. Alonso, 294
VIGO

9. Types of Processing Equipment Flash freezer

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Activity: Processing	Activity: Other Support
SQU		Bottom trawl	X	X	

1. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

Amended

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0213

1. Name of Vessel Tikhvin 2. Visual Identifier (Call Sign) UJUT
2. Type of Vessel 4. Length 85
5. Gross Tonnage 3170 6. Net Tonnage 1225 7. Max. Speed (Knots) 12,5
8. Owner's Name and Address BAZA AKTIVNOGO MORSKOGO RYBOLOVSTVA, NAKHODKA, USSR
9. Types of Processing Equipment Freezer, fish meal plant, filleter
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear to be Used	Activity: Catching	Processing	Other Support
WOC	Hake			X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

____No __X__Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantity, dates, locations and specific activities requested.)

To conduct the support operations to U.S. catchers working for Marine Resources Co., Inc.

Amended

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0238

1. Name of Vessel SULAK 2. Visual Identifier (Call Sign) UPTO
3. Type of Vessel Fish Processing Baze 4. Length 174
5. Gross Tonnage 18011 6. Net Tonnage 11076 7. Max. Speed (knots) 14.3
8. Owner's Name and Address BAZA TRALOVOGO I REFRIZHERATORNOGO FLOTA, VLADIVOSTOK USSR
9. Types of Processing Equipment Freezer, preserves line, fishmeal plant, fish dressing line
10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear to be Used	Activity: Catching	Processing	Other Support
WOC	Hake			X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

____ NO __X__ YES (If yes, attach supplemental sheet showing flag, of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

To conduct the support operations to U.S. catchers working for Marine Resources Co., Inc.

Amended
UR-78-0213 & 0238

11. Continued

SUPPORT OF APPROXIMATELY 3 or 4 U.S. FLAG FISHING VESSELS FISHING FOR MARINE RESOURCES CO. OF SEATTLE.

Fishery - WOC

Species - Target species - Pacific Hake

Quantities - (Total amount for Tikvin and Sulak combined) - approximately 10,000 MT to be processed for Marine Resources Co. from catches they will purchase from U.S. fishing vessels.

Dates - May through October

Location - Various locations within the USFCZ off Washington, Oregon and California.

V. Ivanov

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0103

1. Name of Vessel Ogon
2. Visual Identifier (Call Sign) UOPM
3. Type of Vessel side trawler
4. Length 58
5. Gross Tonnage 684
6. Net Tonnage 223
7. Maximum Speed (knots) 11.9
8. Owner's Name and Address upravlenie promrazvedki
Vladivostok, U.S.S.R.
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl Bottom Trawl	x		x
	Pacific Cod	"	x		x
	Yellowfin Sole	"	x		x
	Other Flounders	"	x		x
	Atka Mackerel	"	x		x
	Herring	"	x		x
	Pacific Ocean Perch	"	x		x
	Other Groundfish	"	x		x
GOA	Pollock	Midwater Trawl Bottom Trawl	x		x
	Pacific Cod	"	x		x
	Flounders	"	x		x
	Pacific Ocean Perch	"	x		x
	Other Rockfishes	"	x		x
	Other Groundfish	"	x		x
	Atka Mackerel	"	x		x
WOC	Hake	Midwater Trawl	x		x
	Jack Mackerel	"	x		x

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0104

1. Name of Vessel: Seskar
2. Visual Identifier (Call Sign): UJRA
3. Type of Vessel: side trawler
4. Length: 58
5. Gross Tonnage: 685
6. Net Tonnage: 223
7. Maximum Speed (knots): 11,9
8. Owner's Name and Address: upravlenie promrazvedki
Vladivostok, U.S.S.R.
9. Types of Processing Equipment: -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl Bottom Trawl	x		x
	Pacific Cod	"	x		x
	Yellowfin Sole	"	x		x
	Other Flounders	"	x		x
	Atka Mackerel	"	x		x
	Herring	"	x		x
	Pacific Ocean Perch	"	x		x
	Other Groundfish	"	x		x
GOA	Pollock	Midwater Trawl Bottom Trawl	x		x
	Pacific Cod	"	x		x
	Flounders	"	x		x
	Pacific Ocean Perch	"	x		x
	Other Rockfishes	"	x		x
	Other Groundfish	"	x		x
	Atka Mackerel	"	x		x
WOC	Hake	Midwater Trawl	x		x
	Jack Mackerel	"	x		x

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0497

1. Name of Vessel: ADLER
2. Visual Identifier (Call Sign):
3. Type of Vessel: side trawler
4. Length: 58
5. Gross Tonnage: 685
6. Net Tonnage: 223
7. Maximum Speed (knots): 11.9
8. Owner's Name and Address: UPRALENIE PROMRAZVEDKI
VLADIVOSTOK, U.S.S.R.
9. Types of Processing Equipment: -

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl Bottom Trawl	x		x
	Pacific Cod	"	x		x
	Yellowfin Sole	"	x		x
	Other Flounders	"	x		x
	Atka Mackerel	"	x		x
	Herring	"	x		x
	Pacific Ocean Perch	"	x		x
	Other Groundfish	"	x		x
GOA	Pollock	Midwater Trawl Bottom Trawl	x		x
	Pacific Cod	"	x		x
	Flounders	"	x		x
	Pacific Ocean Perch	"	x		x
	Other Rockfishes	"	x		x
	Other Groundfish	"	x		x
	Atka Mackerel	"	x		x
WOC	Hake	Midwater Trawl	x		x
	Jack Mackerel	"	x		x

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc. 78-2344 Filed 1-26-78; 8:45 am]

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FRIDAY, JANUARY 27, 1978
PART VII



DEPARTMENT OF THE INTERIOR

Geological Survey

■

OUTER CONTINENTAL SHELF

Oil and Gas Sulphur Operations; Oil and Gas Information Program

[4310-31]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

AGENCY: U.S. Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: These regulations revise and more clearly define existing procedures (30 CFR 250.34) for the submission by oil and gas lessees on the Outer Continental Shelf (OCS) of plans for exploration and development/production activities on the OCS. The regulations also significantly expand the information which States affected by OCS development will receive, and provide commenting procedures for affected States and local governments. Finally, the regulations delineate procedures for determining whether or not an Environmental Impact Statement will be required for exploration and development/production plans.

FOR FURTHER INFORMATION CONTACT:

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AUTHORS: Hope Babcock, Office of the Assistant Secretary, Energy and Minerals, U.S. Department of the Interior; Charles Hardee, Office of the Solicitor, U.S. Department of the Interior; Gerald Rhodes, U.S. Geological Survey, U.S. Department of the Interior.

EFFECTIVE DATE: January 27, 1978. See Supplementary Information below.

SUPPLEMENTARY INFORMATION:

In accordance with the provisions of the Administrative Procedures Act (5) U.S.C. 553(d)), the Secretary of the Interior has determined that it is in the public interest for these regulations to become final on publication. This determination is based on the need to have the regulations effective at the time of the next sale of OCS oil and gas leases. The North Atlantic OCS Lease Sale (Sale No. 42) is scheduled to be held on January 31, 1978.

I. Explanatory Statement

These regulations were initially published as proposed regulations on September 27, 1977 (42 FR 49478). Fifty-nine comments from individuals, private interest groups, industry, State and local governments, and other Federal agencies were received. The U.S. Geological Survey would like to thank all those who commented. The comments have helped greatly in the drafting of final regulations.

II. Discussion of Major Comments

AUTHORITY OF THE SECRETARY OF THE INTERIOR TO PROMULGATE THESE REGULATIONS

A number of commenters objected to the promulgation of these regulations in this form on the ground that there is no existing statutory basis for them.

The Outer Continental Shelf Lands Act of 1953 (OCS Lands Act) requires the Secretary of the Interior to:

> Administer the provisions of [the] Act relating to the leasing of the Outer Continental Shelf, [and to] prescribe such rules and regulations *as may be necessary to carry out such provisions.* The Secretary may at any time prescribe and amend such rules and regulations as he determines to be *necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf.* . . . 43 U.S.C. 1334(a)(1) (emphasis added).

These statutory provisions have been construed broadly to give the Secretary authority to prescribe regulations for protection of the environment. *See Union Oil Co.*, v. *Morton*, 512 F. 2d 743 (9th Cir. 1975); *Gulf Oil Corp.* v. *Morton*, 493 F. 2d 141 (9th Cir. 1973).

Also, the National Environmental Policy Act of 1969 requires that:

> * * * To the fullest extent possible * * * the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Chapter * * *.

Clearly, the OCS Lands Act, as supplemented by the National Environmental Policy Act, gives the Secretary extensive authority to supervise and oversee all operations on OCS areas leased for oil and gas development. This necessarily includes the authority to obtain all available information on the resources of the OCS, and environmental information regarding the affected OCS area and all areas impacted by OCS development, whether on the OCS or not. In addition, the Secretary's authority to prevent waste clearly includes authority to order additional exploratory surveys where those surveys are necessary to the preparation and evaluation of a comprehensive proposal for exploration or development and production.

In the administration of any large Federal program, such as the OCS oil and gas program, it is necessary to address environmental impacts as they affect the entire ecological system, to the extent this is possible under existing technology. Because jurisdictional boundaries often impede this type of overview, an effective information exchange and coordination mechanism between jurisdictions is essential. The requirements contained in these regulations for the submission of information to the States are intended to meet this need.

The Outer Continental Shelf Lands Act provides specific authority for the creation of a coordination mechanism between the Department of the Interior and States affected by OCS development:

> In the enforcement of conservation laws, rules, and regulations, the Secretary is authorized to cooperate with the conservation agencies of the adjacent States. 43 U.S.C. 1334(a)(1).

Thus there is ample authority under existing law for the promulgation of these regulations.

REDUNDANCY OF REQUIREMENTS

Several commenters noted what they believed to be redundant information reporting requirements between these regulations and similar regulations and proposals being considered by other Federal agencies and offices within the Department of the Interior.

In the promulgation of these regulations an effort has been made to coordinate the requirements of the various pending proposals to avoid unnecessary duplication. The Department has for example, worked closely with the Office of Coastal Zone Management (OCZM), National Oceanic and Atomspheric Administration, to assure that these regulations will not duplicate or conflict with the requirements of OCZM's pending regulations, Proposed 15 CFR Part 930, 42 FR 43586, August 29, 1977, implementing the Federal consistency provisions of the Coastal Zone Management Act of 1972 (CZMA), as amended (16 U.S.C. § 1456).

Section 250.34-3 of these regulations appears to duplicate the requirements of the Appendices to OCZM's Consistency Regulations (42 FR 43609). The two agencies have agreed that in the final draft of the Consistency Regulations, the Appendices will be deleted.

Also, the consistency-related requirements of §§ 250.34-1 (c), (d), (e) and 250.34-34-2 (d), (e), (f) of these regulations appear to duplicate certain requirements of the OCZM Consistency Regulations. This is not the case. These provisions are intended merely to fulfill and reference the parallel requirements of the OCZM regulations.

It must be recognized, however, that OCZM is the agency with responsibility for implementation of the entire CZMA, including the consistency provisions. If questions arise regarding compliance with the consistency requirements, they should be addressed to OCZM.

The Department recognizes that there will be some redundancy be-

tween these regulations and other Federal Agency proposals. In most cases we have reviewed, however, the scope and purpose of other agency proposals varies so greatly from the scope and purpose of these regulations that it would be difficult or impossible to coordinate the proposals. The Department will continue to comment on the proposals of other agencies and offices in an effort to avoid duplication.

INCONSISTENCY WITH OCS ORDERS, NOTICES TO LESSEES, AND LEASE STIPULATIONS

A number of commenters noted apparent inconsistencies and redundancies between these regulations and other OCS directives. Where the requirements of this section duplicate the requirements of OCS Orders, Notices to Lessees or Lease Stipulations, an attempt is being made to cross-reference the various directives with these regulations. Where no cross-reference is made, for example in proposed Lease Stipulation No. 4 for the North Atlantic Lease Sale (Notice of Sale No. 42, 42 FR 65285 (December 30, 1977)), it may be assumed that the information required to be provided to affected States under these regulations will generally fulfill similar requirements elsewhere.

Where there are inconsistencies between these regulations and OCS Orders and Notices to Lessees, the provisions of the regulations will govern. OCS Orders and Notices to Lessees are vehicles for implementing OCS regulations and therefore may not modify the regulations. The provisions of current OCS Orders and Notices to Lessees which are consistent with these regulations will continue in effect until modified or superseded.

Because the promulgation of these regulations obviates the need for a new OCS Order No. 15, the proposal to issue Order No. 15 (41 FR 204 (October 20, 1976)) is recinded with final publication of these regulations.

WITHHOLDING CONFIDENTIAL INFORMATION FROM DISCLOSURE

A great many comments were addressed to the issue of whether or not confidential data and information received by Geological Survey from OCS lessees should be made available to affected States. Industry commenters objected to any release of information considered to be confidential under the disclosure exemptions of the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Department's implementing regulations (43 CFR Part 2, 30 CFR Parts 250 and 251). State and local government commenters, on the other hand, argued that it is necessary for State planning purposes that the States be supplied with virtually all data and information received by Geological Survey, regardless of the confidentiality of such information.

This issue has been directly addressed by the Department in the establishment of an "Outer Continental Shelf Oil and Gas Information Program," Proposed 30 CFR Part 252, 42 FR 53956 (September 26, 1977), which is being published as final regulations elsewhere in today's FEDERAL REGISTER. The provisions of those regulations are the result of a balancing of the public interest in obtaining information about its resources with the public interest in maintaining an active and competitive oil and gas industry. To that end, a procedure is established for the preparation of a Summary Report, specifically designed to assist affected States in planning for near-shore and onshore impacts from OCS activities, which will be derived from confidential data and information available to the Geological Survey. The Department believes that this is a fair accommodation of the competing interests involved. Anyone desiring a fuller discussion of these matters should refer to the 30 CFR Part 252 regulations and the preamble discussion published with them.

APPLICABILITY TO EXISTING LEASES AND PENDING OCS PLANS

Several commenters questioned whether these regulations would be applicable to existing leases and OCS exploration and development/production plans submitted for approval prior to the effective date of the regulations. As regulations promulgated under the conservation authority of the Secretary of the Interior, these regulations are applicable to existing leases. As to OCS plans, the regulations will apply to those plans submitted after the effective date, and not to plans submitted prior to that date which are pending approval.

III. SECTION-BY-SECTION DISCUSSION

An "Authority" statement was inserted to specify the various statutory bases for the regulations. The basic authority is the Outer Continental Shelf Lands Act. The National Environmental Policy Act is cited as authority for the section of the regulations dealing with Environmental Impact Statements (§ 250.34-4). The Coastal Zone Management Act (CZMA) is cited because of references to that Act made within the regulations and also because the regulations undertake to define a phrase contained in the CZMA. Section 307 of the CZMA (16 U.S.C. 1456) generally requires that activities "described in detail" in OCS exploration and development production plans be consistent with State coastal zone management programs approved under the Act. These regulations define what is to be described in detail in OCS plans.

An explanatory "note" has been added to make clear that definitions contained in 30 CFR §§ 250.2 and 252.2 will apply to these regulations.

It should also be noted that each of the four new subheadings of 250.34 (250.34-1, 250.34-2, 250.34-3, and 250.34-4) is considered to be a separate section.

SECTION 250.34-1 EXPLORATION PLAN

250.34-1(a). The basic requirement that no exploration activities commence until an exploration plan has been approved has been modified to allow "preliminary activities" to go forward prior to the submission and approval of a plan. Preliminary activities are defined as geological, geophysical, and other surveys which (1) Are necessary to develop a comprehensive exploration plan, (2) do not result in any physical penetration of the seabed of greater than three hundred (300) feet of fifty (50) feet of consolidated formations, and (3) do not result in any significant adverse impact on the natural resources of the OCS.

This very limited exception to the activities which must be approved by Geological Survey is necessary in order that lessees be able to gather sufficient information to prepare an initial exploration plan. Without some specific knowledge of the area's geology, it would be difficult or impossible to prepare a comprehensive exploration plan, including locations for proposed wells, for the area. This system conforms with past practice and has been shown to not result in any appreciable adverse environmental impacts.

In addition, the word "approximate" has been inserted before "location of each proposed exploratory well" in § 250.34-1(a)(4) to allow some flexibility in final placement of wells. Although an exploration plan may propose locations for several wells, the exact location of later wells depends to some extent on the results of earlier wells.

A sentence has been added to the end of section 250.34-1(a) to require the lessee to indicate which portions of a proposed exploration plan he believes to be exempt from disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. § 552) and implementing regulations (43 CFR Part 2). This is intended to lessen the burden on the Supervisor, who must determine which information is exempt from disclosure before transmitting copies of the plan to affected States (section 250.34-1(c)). This procedure should also help in the avoidance of errors by the Supervisor in deleting confidential information. It is hoped that lessees will segregate information believed to be confidential from the rest of the information contained in the plan so that the Supervisor can expedite his responsibilites in this regard.

Finally, paragraph (2) of the proposed regulations has been deleted. That paragraph would have required lessees to submit a general statement of intentions and expectations regarding development and production activities that would follow a discovery of oil and/or gas. Under the Outer Continental Shelf Lands Act, a lessee who makes a discovery of oil or gas, or both, on the OCS must proceed diligently to produce that oil or gas. In addition, lessees generally would not be able to state specifically how they will proceed to production until they find out the extent and quality of a discovery. Therefore, such a statement would be unnecessary and impracticable at this stage.

250.34-1(b). A new subsection has been inserted to clarify the procedure for submission and receipt of exploration plans and accompanying Environmental Reports (Exploration) required by § 250.34-3(a). (The succeeding subsections have been redesignated accordingly.) This new subsection clarifies the requirement that the plan and the Environmental Report be submitted concurrently, as one package in effect. Also the subsection calls for a determination by the Supervisor that the information in the plan and report is complete before he deems the package to be "received" for any purpose, including the running of applicable time periods for State review.

Finally, since the determination of completeness of the Environmental Report (Exploration) affects the State interest in obtaining near-shore and onshore information, the Supervisor is required to consult with each affected State in order to assure that each State has input in that determination. A similar provision appeared as section 250.34-3(b)(3) in the proposed regulations.

250.34-1(c). Minor changes only.

250.34-1(d). This subsection has been reorganized and clarified in several respects. It has been made clear that the general commenting procedures of paragraph (1) are available to all affected States, including States with approved coastal zone management programs. The Supervisor is now required to respond in writing to all timely written comments received from affected States. Also, in response to comments, a time period of 30 days for State review and comment has been added. Finally, the reference to the consistency requirements of the CZMA has been redrafted to conform to wording suggested by the Office of Coastal Zone Management.

250.34-1(e). Minor changes only.

250.34-1(f). Redrafted for clarity.

250.34-1(h). Redrafted for clarity.

250.34-1(h). A new subsection has been inserted to make clear that the responsibility of lessees to take appropriate measures to meet emergency situations is not limited by these new regulations. Where the Supervisor approves or directs departures from an exploration plan in an emergency situation, he must advise affected States of the action taken.

250.34-1(i). The revised subsection of the proposed regulations was modified to allow minor revisions in exploration plans without full State comment and review. A revision that could cause significant changes in the impacts described in the applicable Environmental Report (Exploration) will require State review and revision of the Environmental Report.

SECTION 250.34-2 DEVELOPMENT AND PRODUCTION PLAN

Most changes made in this section conform to changes discussed above which were made in § 250.34-1. For an explanation of these changes, please refer to the appropriate discussion above.

250.34-2(a). Paragraph (5) of the proposed § 250.34-2(a) has been deleted. That paragraph would have required a lessee to submit a description of all new offshore facilities and operations proposed by the lessee or known by him (whether or not owned or operated by the lessee) to be directly related to the proposed development or production activities. That paragraph would have largely duplicated similar requirements contained in the section relating to the Environmental Report (Development/Production) § 250.34-3(b).

250.34-2(b). See discussion under 250.34-1(b) above.

250.34-2(c). No change.

250.34-2(d). Minor changes only.

250.34-2(e). See discussion under 250.34-1(d) above.

250.34-2(f). Minor changes only.

250.34-2(g). Redrafted for clarity.

250.34-2(h). See discussion under 250.34-1(h) above.

250.34-2(i). See discussion under 250.34-1(i) above.

SECTION 250.34-3 ENVIRONMENTAL REPORTS; INFORMATION TO BE PROVIDED TO AFFECTED STATES

Only minor changes have been made in this section. The introductory statements in subsections (a) and (b) were redrafted to make clear that the Environmental Report (Exploration) is not intended to be as detailed or comprehensive as the Environmental Report (Development/Production). Other changes were made to conform to changes in § § 250.34-1 and 250.34-2.

SECTION 250.34-4 COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

This section has been substantially reorganized to reflect the requirements of the National Environmental Policy Act (NEPA).

250.34-4(a). This subsection defines the steps the Supervisor must take in deciding whether an Environmental Impact Statement (EIS) should be prepared for an exploration or development and production plan. He must first prepare an environmental "assessment." The assessment must be prepared in accordance with applicable guidelines and policies. This assessment requirement actually does no more than restate existing Geological Survey practice. Paragraph (1) does, however, focus the assessment somewhat by incorporating the four specific considerations listed.

If after completing as assessment the Supervisor believes that an EIS is warranted, paragraph (2) requires him to review previous EIS's and determine whether the impacts which would be addressed in the new EIS have already been adequately considered in a previous EIS. In this regard he will consider the two specific issues listed.

Finally, the Director shall review the Supervisor's assessment of whether or not to prepare an EIS, and may reverse the Supervisor's determination.

250.34-4(b). Where it has been determined that an EIS will be prepared for a development and production plan under subsection (a), it must be decided whether the EIS will cover an individual plan or a number of plans. Subsection (b) requires that the EIS cover two or more proposed plans if the stated criteria have been met. It is intended that an EIS will be prepared for more than one plan where it is necessary to assess the cumulative impacts of a number of proposed plans.

Since it is possible that an individual development and production plan will trigger the criteria of this subsection, and that no other plans will be pending at that time, a sentence has been added to reflect the Supervisor's authority to order preliminary descriptions of development and production plans from other lessees in the area.

250.34-4(c). This subsection has been modified from the proposed regulations to conform with existing law regarding limitations on agency action during preparation of an EIS.

IV. Environmental and Inflation Impact Statements

NOTE.—The Department of the Interior has determined that promulgation of these regulations will not have a significant impact on the environment and therefore will not require preparation of an Environmental Impact Statement. The Department has also determined that this document does not require preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 24, 1978.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

30 CFR 250.34 is modified to read:

* * * * *

Sec.
250.34 Exploration, development, and production plans.
250.34-1 Exploration plan.
250.34-2 Development and production plan.
250.34-3 Environmental reports; information to be provided to affected States.
250.34-4 Compliance with the National Environmental Policy Act.

* * * * *

AUTHORITY: Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1331 et seq.); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456).

NOTE.—Terms used in this section are defined in 30 CFR 250.2 and 252.2.

§ 250.34 Exploration, development, and production plans.

§ 250.34-1 Exploration plan.

(a) No exploration activities, except for preliminary activities, may be commenced on any leased area until a proposed exploration plan covering that area has been submitted to and approved by the Supervisor. Preliminary activities are geological, geophysical, and other surveys which are necessary to develop a comprehensive exploration plan but which do not result in any physical penetration of the seabed of greater than three hundred (300) feet or fifty (50) feet of consolidated formations or in any significant adverse impact on the natural resources of the Outer Continental Shelf (OCS). An exploration plan may apply to one or more leases held by an individual lessee, or may be submitted by a group of lessees acting jointly through a unit operator pursuant to an approved unit agreement. A proposed exploration plan shall identify and describe (in the detail required by the regulations in this Part, OCS Orders, and Notices to Lessees) all exploration activities to be undertaken on the area covered by the plan for the time period specified in the plan. An exploration plan shall include:

(1) The proposed type and sequence of exploration activities to be undertaken together with a tentative timetable for performance;

(2) A description of the drilling vessels, platforms, or other offshore structures to be used indicating the important features thereof with special attention to safety features and pollution-prevention and control features;

(3) Types of geophysical equipment to be utilized;

(4) Approximate location of each proposed exploratory well, including surface and projected bottom hole location of each directionally drilled well;

(5) Current structure maps and, as appropriate, schematic cross sections showing expected depth of marker formations; and

(6) Such other relevant data and information as the Supervisor may require.

The lessee shall indicate which portions of the proposed exploration plan he believes to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR Part 2).

(b)(1) A proposed exploration plan and its accompanying Environmental Report (Exploration) shall be submitted at the same time and shall not be deemed received by the Supervisor until he has determined that they are complete and contain the information required by subsections 250.34-1(a) and 250.34-3(a) of this Part.

(2) Prior to making the determination under paragraph (1), the Supervisor shall provide each affected State with an advance copy of the Environmental Report (Exploration). If any affected State believes the Environmental Report (Exploration) does not satisfy the requirements of § 250.34(a), the State must make its objections known to the Supervisor within 10 days. The Supervisor shall attempt to resolve the State's objections through whatever means are available, including meeting informally with representatives of the lessee and affected State. If the differences cannot be resolved in this manner, the supervisor shall determine whether the report complies with the requirements of § 250.34-3(a) and shall notify the lessee and the affected State of the determination.

(c) The lessee shall submit to the Supervisor a sufficient number of copies of each proposed exploration plan to permit the Supervisor to transmit copies of the plan to the Governor and the coastal zone management agency of each affected State and to the United States Office of Coastal Zone Management. Within ten (10) days after his determination of receipt of the proposed plan under subsection (b)(1) of this section, the Supervisor shall transmit a copy of the plan, except for those portions he determines to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR Part 2), to the Governor and coastal zone management agency of each affected State and to the United States Office of Coastal Zone Management. The Supervisor shall also make copies of the plan available to the public, except for those portions he has determined to be exempt, in accordance with the Freedom of Information Act.

(d)(1)(i) In his evaluation of a proposed exploration plan the Supervisor shall consider comments received from the Governors of affected States, whether or not such States have coastal zone management programs approved pursuant to section 306 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1455). The Supervisor shall respond in writing to all timely submitted written comments and give his reasons for the action taken. The Supervisor may consult directly with affected States regarding matters contained in the comments.

(ii) The Supervisor shall not grant or deny approval for a proposed exploration plan until written comments have been received from each affected State, or until 30 days after each affected State receives a copy of the proposed plan and its accompanying Environmental Report, whichever occurs first.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the Supervisor shall not approve any activity described in detail in an exploration plan and affecting any land or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1455), unless such State or its designated agency concurs or is conclusively presumed to concur with the consistency certification accompanying such plan pursuant to subsection 307(c)(3)(B) of such Act (16 U.S.C. 1456(c)(3)(B)), or the Secretary of Commerce makes the finding authorized by subsection 307(c)(3)(B) of such Act.

(e) The lessee may not drill any well until he receives the Supervisor's approval of an application for permit to drill filed in accordance with the requirements of sections § 250.41(a) and § 250.91(a). The Supervisor shall not approve any permit which does not conform to the applicable approved exploration plan. The Supervisor shall transmit a copy of the lessee's application for permit to drill, except for those portions he determines to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR Part 2), to each affected State, unless he is informed by such State that it does not wish to receive a copy of the application. Since a permit to drill must conform with an approved exploration plan, the permit application is not subject to separate State consistency review under the Coastal Zone Management Act.

(f) The Supervisor shall periodically review each approved plan. The frequency and extent of his review shall be based upon the significance of any

changes in available information and in other onshore or offshore conditions affecting or impacted by exploration pursuant to such plan. If the review indicates that the plan should be revised to meet the requirements of this Part, the Supervisor shall require such revision pursuant to subsection (i) of this section.

(g) The Supervisor may authorize or direct the lessee to conduct such geological, geophysical, or other surveys as the Supervisor determines to be necessary for the evaluation of activities to be carried out under a proposed exploration plan or being carried out under an approved plan. The lessee shall provide the Supervisor, upon his request, with copies of any data obtained as a result of such surveys.

(h) Nothing in this section shall be viewed as limiting the lessee's responsibility to take appropriate measures to meet emergency situations. In such situations, the Supervisor may approve or require departures from an approved exploration plan. When such departures are authorized or directed, the Supervisor shall, as soon as practicable, advise the Governors of affected States of the action taken.

(i) Proposals to revise a proposed or approved exploration plan, whether initiated by the lessee or ordered by the Supervisor, shall be submitted to the Supervisor for approval in the same manner as, and with the same information required for, a new plan of exploration. When the Supervisor determines that a proposed revision could result in a significant change in the impacts identified and assessed in the Environmental Report (Exploration) submitted in accordance with subsection 250.34-3(a), the revision shall be subject to the procedures of subsections (b), (c), and (d) of this section, and the lessee shall submit appropriate revisions to the Environmental Report (Exploration) in accordance with § 250.34-3(a).

§ 250.34-2 Development and production plan.

(a) No development or production activities may be commenced on any leased area until a proposed plan of development and production covering that area has been submitted to and approved by the Supervisor. A development and production plan may apply to one or more leases held by an individual lessee or may be submitted by a group of lessees acting jointly through a unit operator pursuant to an approved unit agreement. A proposed plan of development and production shall identify and describe (in the detail required by the regulations in this Part, applicable OCS Orders, and Notices to Lessees) all development and production activities to be undertaken on the area covered by the plan for the time period specified in the plan. A development and production plan shall include:

(1) A description of the specific work to be performed together with a proposed schedule for development and production;

(2) A description of drilling vessels, platforms, or other offshore structures to be used showing the location, design, and important features thereof, including features pertaining to safety and to pollution prevention and control;

(3) The location of each well, including surface and projected bottom hole locations for each directionally drilled well;

(4) Current interpretations of all available geological and geophysical data, including structure maps and schematic cross sections of productive formations;

(5) A description of the environmental safeguards to be implemented in the course of development and production operations under the plan together with a discussion of how such safeguards are to be implemented;

(6) all safety standards to be met and the safety features to be utilized in order to meet those standards; and

(7) such other relevant data and information as the Supervisor may require.

The lessee shall indicate which portions of the proposed development and production plan he believes to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR Part 2).

(b) (1) A proposed development and production plan and the accompanying Environmental Report (Development/Production) shall be submitted at the same time, and shall not be deemed received by the Supervisor until he determines that they are complete and contain the information required by subsections 250.34-2(a) and 250.34-3(b).

(2) Prior to making the determination under paragraph (1), the Supervisor shall provide each affected State with an advance copy of the Environmental Report (Development/Production). If any affected State believes the Environmental Report (Development/Production) does not satisfy the requirements of § 250.34—3(b), the State must make its objections known to the Supervisor within 10 days. The Supervisor shall attempt to resolve the State's objections through whatever means are available, including meeting informally with representatives of the lessee and affected State. If the differences cannot be resolved in this manner, the Supervisor shall determine whether the report complies with the requirements of § 250.34-3(b) and shall notify the lessee and the affected State of the determination.

(c) The Supervisor may require the lessees of tracts on which oil or gas, or both, have been discovered in paying quantities and which are adjacent to or nearby the area covered in a proposed plan of development and production, to submit a preliminary description of their plans for development and production on the adjacent or nearby areas.

(d) The lessee shall submit to the Supervisor a sufficient number of copies of each proposed plan of development and production to permit the Supervisor to transmit copies of the plan to the Governor and coastal zone management agency of each affected State and to the United States Office of Coastal Zone Management. Within ten (10) days after his determination of receipt of the proposed plan under subsection (b)(1) of this section, the Supervisor shall transmit a copy of the plan, except for those portions he determines to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR Part 2), to the Governor and coastal zone management agency of each affected State and to the United States Office of Coastal Zone Management. The Supervisor shall also make copies of the plan available to the public, except for those portions he has determined to be exempt, in accordance with the Freedom of Information Act.

(e)(1) (i) In his evaluation of a proposed plan of development and production, the Supervisor shall consider comments received from the Governors of affected States, whether or not such States have coastal zone management programs approved pursuant to section 306 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1455). The Supervisor shall respond in writing to all timely submitted written comments giving his reasons for the action taken. The Supervisor may consult directly with affected States regarding matters contained in the comments.

(ii) The Supervisor shall not grant or deny approval for a proposed plan of development and production until written comments have been received from each affected State, or until 60 days after each affected State receives a copy of the proposed plan and its accompanying Environmental Report, whichever occurs first.

(2) Notwithstanding the provision of paragraph (1) of this subsection, the Supervisor shall not approve any activity described in detail in a development and production plan and affecting any land or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1455), unless such State or its designated agency concurs or is conclusively presumed to concur with the consistency certification accompa-

nying such plan pursuant to subsection 307(c)(3)(B) of such Act (16 U.S.C. 1456(c)(3)(B)), or the Secretary of Commerce makes the finding authorized by subsection 307(c)(3)(B) of such Act.

(f) The lessee may not drill any well until he receives the Supervisor's approval of an application for permit to drill filed in accordance with the requirements of sections 250.41(a) and 250.91(a) of this Part. The Supervisor shall not approve any permit which does not conform with the applicable approved plan of development and production. The Supervisor shall transmit a copy of the lessee's application for permit to drill, except for those portions he determines to be exempt from disclosure under the Freedom of Information Act (43 U.S.C. 552) and implementing regulations (43 CFR Part 2), to each affected State, unless he is informed by such State that it does not wish to receive a copy of the application. Since a permit to drill must conform to an approved plan of development and production, the permit application is not subject to separate State consistency review under the Coastal Zone Management Act.

(g) The Supervisor shall periodically review each approved development and production plan. The frequency and extent of his review shall be based upon the significance of any changes in available information and in other onshore or offshore conditions affecting or impacted by development or production pursuant to such plan. If the review indicates that the plan should be revised to meet the requirements of this Part, the Supervisor shall require such revision pursuant to subsection (j) of this section.

(h) The Supervisor may authorize or direct the lessee to conduct such geological, geophysical, or other surveys as the Supervisor determines to be necessary for the evaluation of activities to be carried out under a proposed development and production plan or being carried out under an approved plan. The lessee shall provide the Supervisor, upon his request, with copies of any data obtained as a result of such surveys.

(i) Nothing in this section shall be viewed as limiting the lessee's responsibility to take appropriate measures to meet emergency situations. In such situations, the Supervisor may approve or require departures from an approved development and production plan. When such departures are authorized or directed, the Supervisor shall, as soon as practicable, advise the Governors of affected States of the action taken.

(j) Proposals to revise a proposed or approved development and production plan, whether initiated by the lessee or ordered by the Supervisor, shall be submitted to the Supervisor for approval in the same manner as, and with the same information required for, a new development and production plan. When the Supervisor determines that a proposed revision could result in a significant change in the impacts identified and assessed in the Environmental Report (Development/Production) submitted in accordance with subsection 250.34-3(b), the revision shall be subject to the procedures of subsections (b), (d), and (e) of this section, and the lessee shall submit appropriate revisions to the Environmental Report (Development/Production) in accordance with § 250.34-3(b).

§ 250.34-3 Environmental reports; information to be provided to affected states.

(a) Environmental Report (Exploration). At the same time the lessee submits a proposed exploration plan to the Supervisor, he shall submit an Environmental Report (Exploration). The report may be in summary form, need not be as detailed as the report required by subsection (b) of this section, and should reference information contained in the most recent Environmental Impact Statement prepared for the area. The Environmental Report (Exploration) shall include information available at the time of plan submission to the extent that such information is accurate, current, and applicable to the geographic area covered by the proposed exploration plan.

(1) The Environmental Report (Exploration) shall contain, but need not be limited to, the following information:

(i) a description of the affected ocean area, including a general description of water depth, currents, water quality, submarine geology, weather patterns, and ambient air quality;

(ii) a description of environmentally sensitive or potentially hazardous areas which might be affected by the proposed exploration activities and a description of the alternatives considered and the actions to be taken to preserve or protect such areas. Such areas shall include, but are not limited to, those of cultural, biological (e.g., fisheries), archeological, or geological (e.g., seismic) significance, and areas of particular concern designated by affected States pursuant to the Coastal Zone Management Act;

(iii) a description of procedures, personnel, and equipment that are to be used for preventing, reporting, and cleaning up spills of oil or waste materials which might occur during the proposed exploration activities, including information on response time, capacity, and location of equipment;

(iv) the location, size, and number of onshore support and storage facilities, their land requirements and related rights-of-way and easements, which could result from or be required by approval of the proposed exploration plan, including where possible a timetable regarding the acquisition of lands and the construction or expansion of any facilities;

(v) an estimate of the number of persons expected to be employed in support of offshore, onshore, and transportation activities, including where possible the approximate number of new employees and families likely to move into the affected coastal area;

(vi) a description of the most likely travel routes for boat and aircraft traffic between offshore and onshore facilities, an estimate of the frequency such routes will be traversed, on a monthly basis, and the probable onshore location of terminals;

(vii) a description of the quantity and composition of solid and liquid wastes and gaseous pollutants likely to be generated by offshore, onshore, and transport operations and a description of treatment and disposal alternatives considered and actions to be taken to limited pollution effects;

(viii) an estimate of any significant demand for major supplies, equipment, goods, services, water, aggregate, energy, or other resources within coastal areas of affected States necessary for carrying out the proposed plan;

(ix) an assessment of the impact on the offshore and onshore environments expected to occur as a result of implementation of the proposed exploration plan, expressed in terms of magnitude and duration, with special emphasis upon the identification and evaluation of unavoidable and irreversible impacts on the environment;

(x) copies of all consistency certifications provided to affected States with approved coastal zone management programs; and

(xi) the name, address, and telephone number of an individual employee of the lessee to whom inquiries by the State agency may be made.

(2) The lessee shall submit a sufficient number of copies of each Environmental Report (Exploration) to permit the Supervisor to transmit a copy to the Governor and coastal zone management agency of each affected State and to the United States Office of Coastal Zone Management. The Supervisor shall transmit such copies at the same time he transmits copies of the applicable exploration plan. The Supervisor shall also make copies of the Environmental Report (Exploration) available to the public in accordance with the Freedom of Information Act.

(b) Environmental Report (Development/Production). At the same time the lessee submits a proposed development and production plan to the Supervisor, he shall submit an Environ-

mental Report (Development/Production). The report shall include all activities proposed for immediate implementation and those contemplated for future implementation and shall identify all environmental and safety features required by law together with such additional measures as the lessee proposes to employ. The report shall be as detailed as necessary to enable identification and evaluation of the significant environmental consequences of the proposed activities and shall include all information available to the lessee at the time of submission.

(1) The Environmental Report (Development/Production) shall contain, but need not be limited to, the following information:

(i) Location. The location, to the maximum extent practicable, and the description and size of any offshore and land-based operation to be conducted or contracted for as a result of the proposed lease or unit activity. This shall include:

(A) the acreage required within a State for facilities (such as staging areas for pipe coating and pipeline installation, platform fabrication and installation, and refineries), storage, rights-of-way and easements;

(B) the means proposed for transportation of oil and gas to shore, the routes to be followed by each mode of transportation and the estimated quantities of oil or gas, or both, to be moved along such routes;

(C) an estimate of the frequency of boat and aircraft departures and arrivals, the onshore location of terminals, and the normal routes for each mode of transportation; and

(D) quantities, types, and plans for disposal of solid and liquid wastes and gaseous pollutants which may be generated by offshore, onshore, and transport operations, and, regarding any wastes which may require onshore disposal, the means of transportation to be used to bring the wastes to shore, and the location of onshore waste disposal or treatment facilities.

(ii) Resource requirements. The requirements for land, labor, material, and energy for the items identified above including:

(A) the approximate number, timing, and duration of employment of persons who will be engaged in onshore development and transportation activities and offshore development and production activities, the approximate number of local personnel who will be employed for or in support of the development activities (classified by the major skills or crafts that will be required from local sources and estimated number of each such skill needed), and the approximate total number of persons who will be employed during the onshore construction acitivity and during all activities related to offshore development and production;

(B) the approximate number of people and families to be added to the population of local near-shore areas as a result of the planned development;

(C) an estimate of significant quantities of energy and resources to be used or consumed, including electricity, water, oil and gas, diesel fuel, aggregate, or other supplies, which may be purchased within an affected State; and

(D) the types of contractors or vendors which will be needed, although not specifically indentified, and which may place a demand on local goods and services.

(iii) Time frame. A schedule setting forth specific development and production activities. To the maximum extent possible, individual activities are to be projected on a year-to-year basis. The schedule shall include:

(A) Sequence in which events are expected to be accomplished;

(B) Best estimate of time required to complete specific activities;

(C) Month and year that specific actions are most likely to occur onshore and offshore; and

(D) Month and year that other pertinent activities associated with development of onshore and offshore activities are likely to be accomplished.

(iv) Physical environment. A description of the lease(s) to be developed. This portion of the report shall include data and information obtained or developed by the lessee together with other pertinent data and information available to the lessee from other sources. The lessee should cross-reference information on the physical environment in the most recent Environmental Impact Statement and should summarize pertinent information contained in other published accredited reports. The report shall clearly identify the source of all data and information contained therein. The data and information to be included in the lessee's report on the physical environment shall include where appropriate:

(A) Archeologic/cultural resource surveys of the lease or unit area;

(B) Seafloor configuration, stability, foundation characteristics, sedimentation, and erosion potential at the site of structural components described in the plan;

(C) Aquatic biota, including a description of fishery and marine mammal significance and utilization of the lease or unit area;

(D) Ocean currents described as to prevailing direction, seasonal variations and variations at different depths in the lease or unit area;

(E) Meteorologic conditions, including storm frequency and magnitude, wind direction and velocity, and ambient air quality, and listing, where possible, the means, extremes, and averages of each;

(F) Predevelopment water column quality (ambient) and temperature data for incremental depths for the area encompassed by the plan;

(G) Seismic risk and conditions (geophysical high-resolution surveys of sites, routes, and corridors);

(H) Amounts and types of ecologic disruption expected by construction of all planned facilities; and

(I) Volume and nature of emissions to be discharged into the atmosphere and the ocean. Specific components (e.g., NO, SO, hydrocarbons, etc.) are to be listed.

(v) Assessment of impacts. An assessment of the impact on the environment expected to occur as a result of implementation of the proposed plan. This section of the report shall identify specific and cumulative impacts that may occur both onshore and offshore. Such impacts shall be quantified to the fullest extent possible and shall be accumulated for all activities for each of the major elements of the environment (i.e., air, water, biota, etc.). In every case, impacts shall be expressed in terms of magnitude and duration. The report shall place special emphasis upon the identification and evaluation of unavoidable and irreversible impacts on the environment.

(vi) Contingency plans and equipment. A description of the contingency plans that are in effect for the area to be developed together with a discussion of the pollution-prevention and cleanup equipment that is or will be maintained on the drill site and in the area pursuant to a Regional Contingency Plan.

(vii) Alternatives to the plan. A discussion of alternatives to the activities proposed that were considered during the development of the proposed plan; for example, a comparison of development and production operations using a bottom-supported platform which extends above the surface of the ocean with a similar degree of oil and gas development using seafloor completion and production techniques. Any significant differences in the environmental impacts of the use of alternative technologies shall be identified and discussed.

(viii) Environmental monitoring systems. A description of existing monitoring systems that are currently measuring impacts of activities upon the environment in the lease area together with those additional systems that may be needed to provide accurate recording and reporting of cumulative impacts on the environment.

(ix) Consistency with applicable coastal zone management programs. Copies of all consistency certification provided to affected States with approved coastal zone management programs.

(x) Contact. The name, address, and telephone number of an individual em-

ployee of the lessee to whom inquiries by affected States may be directed.

(2) The lessee shall submit a sufficient number of copies of each Environmental Report (Development/Production) to permit the Supervisor to transmit a copy to the Governor and coastal zone management agency of each affected State and to the United States Office of Coastal Zone Management. The Supervisor shall transmit such copies at the same time he transmits copies of the applicable development and production plan. The Supervisor shall also make copies of the Environmental Report (Development/Production) available to the public in accordance with the Freedom of Information Act.

§250.34-4 Compliance with the National Environmental Policy Act (NEPA).

(a)(1) Prior to approval of a proposed exploration or development and production plan, or approval of significant revisions to approved exploration or development and production plans under subsections 250.34-1(i) or 250.34-2(j), the Supervisor shall prepare an Environmental Assessment, in accordance with applicable policies and guidelines, to determine whether the proposed activities constitute a major Federal action significantly affecting the quality of the human environment requiring preparation of an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In his assessment the Supervisor may utilize information contained in the lessee's Environmental Report.

(i) In his assessment of whether an Environmental Impact Statement is required, the Supervisor shall give particular attention to:

(A) Location of major Structures in areas of high seismic risk or seismicity;

(B) Location of major structures within or near the boundary of a marine sanctuary, wildlife refuge or other areas of high ecological sensitivity.

(C) Location of bottom-founded structures in areas of potentially hazardous natural bottom conditions; and

(D) Use of new and/or unusual technology.

(ii) An Environmental Impact Statement shall not be prepared when the Supervisor determines that the impacts of activities described in the Proposed plan or revision have been adequately considered in a previous Environmental Impact Statement. In this regard, the Supervisor shall give particular attention to:

(A) Whether implementation of the activities described in the plan or revision would require construction of new onshore processing, storage, treatment, or transportation facilities which could have significant adverse impacts upon the human, marine or coastal environments that have not been adequately considered in a previous Environmental Impact Statement; and

(B) The likelihood of adverse impacts on the human, marine or coastal environments that differ significantly in magnitude, duration, or nature from the impacts considered in a previous Environmental Impact Statement.

(iii) The Supervisor's assessment of whether or not to prepare an Environmental Impact Statement shall be reviewed by the Director and the Director may reverse the Supervisor's determination. The Supervisor shall transmit copies of the final Environmental Assessment to the affected States.

(b) Where it has been determined that an Environmental Impact Statement will be prepared, the Director shall decide whether the Statement will cover the activities described in a single proposed development and production plan or in a number of such plans covering an area of the OCS where there is a likelihood of significant development.

(1) The Environmental Impact Statement shall cover the activities described in two or more proposed development and production plans when:

(i) No additional lease sale Environmental Impact Statement evaluating the cumulative impacts of development and production for the area is being prepared or is planned for preparation within the next two (2) years.

(ii) At least one exploratory well has been completed in at least sixty-six percent (66%) of the significant geologic structures known to exist at the time of the lease sale or sales applicable to the area; and

(iii) The total potential production of oil and gas from the area exceeds or is expected to exceed existing and planned onshore processing, storage, treatment, and transportation facilities.

(2) If an Environmental Impact Statement is to be prepared for more than one plan, and only one plan is pending for approval, the lessees of tracts on which oil or gas, or both, have been discovered in paying quantities, and which are adjacent to or nearby the area covered by the pending plan, may be required to submit preliminary descriptions of their development and production plans pursuant to subsection 250.34-2(c) of this Part.

(3) If it is decided to prepare an Environmental Impact Statement for a proposed development and production plan or plans, the Supervisor shall not approve any activity described in such plan or plans prior to completion of the review process, if that activity would:

(i) Have a significant adverse environmental impact, or

(ii) Foreclose prematurely the subsequent adoption of alternatives to the proposed plan or plans which might have less environmental impact.

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[4310-31]

PART 252—OUTER CONTINENTAL SHELF (OCS) OIL AND GAS INFORMATION PROGRAM

AGENCY: U.S. Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This Part supplements the procedures contained in Parts 250 and 251 of this Chapter for the submission of oil and gas data and information resulting from exploration, development and production operations on the Outer Continental Shelf (OCS) to the Director, U.S. Geological Survey. In addition, this Part establishes procedures for the Director to make available summary reports of this data and information to the Governors of affected States and upon request to interested local government executives, consistent with the exemptions of the Freedom of Information Act.

These regulations are intended to aid in the implementation of President Carter's directive of May 23, 1977, to:

Develop regulations, operating orders, and lease provisions specifying the information required from industry about offshore and onshore impacts of prospective OCS development.

EFFECTIVE DATE: January 27, 1978. See Supplementary Information below.

FOR FURTHER INFORMATION CONTACT:

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Authors: Hope Babcock, Office of the Assistant Secretary—Energy and Minerals, U.S. Department of the Interior; Charles Hardee, Office of the Solicitor, U.S. Department of the Interior; Gerald Rhodes, U.S. Geological Survey, U.S. Department of the Interior.

SUPPLEMENTARY INFORMATION:

In accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553(d)) the Secretary of the Interior has determined that it is in the public interest for these regulations to become final on publication. This determination is based on the need to have the regulations effective at the time of the next sale of OCS oil and gas leases. The North Atlantic OCS Lease Sale (Sale No. 42) is scheduled to take place on January 31, 1978.

I. Explanatory Statement

These regulations were initially published as proposed regulations on September 26, 1977 (42 FR 48893). Fifty-four comments from private interest groups, industry, State and local governments, and other Federal agencies were received. The U.S. Geological Survey would like to thank all those parties who commented. The comments have been a great help in the drafting of final regulations.

II. Discussion of Major Comments

AUTHORITY OF THE SECRETARY OF THE INTERIOR TO PROMULGATE THESE REGULATIONS

A number of commenters objected to the promulgation of these regulations in any form on the ground that there is no existing statutory basis for them.

The Outer Continental Shelf Lands Act of 1953 requires the Secretary of the Interior to:

> Administer the provisions of [the] Act relating to the leasing of the Outer Continental Shelf, [and to] prescribe such rules and regulations *as may be necessary to carry out such provisions.* The Secretary may at any time prescribe and amend such rules and regulations as he determines to be *necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf* * * * 43 U.S.C. 1334(a)(1) [emphasis added].

These statutory provisions have been construed broadly to give the Secretary authority to prescribe regulations for protection of the environment. See *Union Oil Co.* v. *Morton,* 512 F. 2d 743 (9th Cir. 1975); *Gulf Oil Corp.* v. *Morton,* 493 F. 2d 141 (9th Cir. 1973).

In addition, the National Environmental Policy Act of 1969 requires that:

> to the fullest extent possible * * * the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Chapter * * * (42 U.S.C. 4332).

In the administration of any large Federal program, such as the OCS oil and gas program, it is necessary to address environmental impacts as they affect the entire ecological system, to the extent this is possible under existing technology. Because jurisdictional boundaries often impede this type of overview, an effective information exchange and coordination mechanism between jurisdictions is essential.

The Outer Continental Shelf Lands Act provides specific authority for the creation of a coordination mechanism between the Department of the Interior and States affected by OCS development:

> In the enforcement of conservation laws, rules, and regulations the Secretary is authorized to cooperate with the conservation agencies of the adjacent States * * * (43 U.S.C. 1334(a)(1)).

Thus there is ample authority under existing law for the promulgation of these regulations.

EXTENT OF INFORMATION TO BE PROVIDED TO AFFECTED STATES

Most of the comments addressed the issue of how much information could or should be provided to affected States. Industry commenters, who will be supplying much of the specific data and information on which the Summary Report to the States will be based, objected to any release of information considered to be confidential under the disclosure exemptions of the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Department's implementing regulations (43 CFR Part 2, 30 CFR Parts 250 and 251).

State and local government commenters, on the other hand, argued that it is necessary for State planning purposes that the States be supplied with virtually all data and information received by Geological Survey, regardless of the confidentiality of such information.

Protection of the confidentiality of OCS geological and geophysical information has been a longstanding policy of the Department of the Interior. Because of this, virtually every OCS regulation which raises disclosure questions makes reference to the rather specific exemption contained in the FOIA and Departmental regulations. The OCS "Operating" Regulations, 30 CFR 250.34(b), and the Geological and Geophysical Exploration Regulations, 30 CFR 251.14, are examples.

In the early days of the Carter Administration, this Department committed itself to timely coordination of the OCS Program with States which could be affected by OCS development. The past has demonstrated the problems of unplanned onshore and near-shore impacts from offshore development, and the Department believes that these problems can be substantially reduced through cooperative State/Federal planning in OCS matters.

On the other hand, the general public has an interest in maintaining competition within the OCS oil and gas industry. To a great extent, competition within the industry depends upon knowledge of the specific location and extent of oil and gas reserves. Each company obtains this information through analysis of data provided by geological and geophysical surveys. Thus the maintenance of competition is related to the extent to which confidentiality of this information can be protected.

Clearly, what is needed in this situation is a balancing of the competing interests. Section 252.4 of these regulations establishes a new procedure for the preparation of a Summary Report in a manner which will protect the confidentiality of specific data and information. The Summary Report will be specifically designed to assist States in planning for near-shore and onshore impacts of OCS development. Because of the difficulty in defining State information needs, a requirement has been imposed that the Director of the Geological Survey consult with affected States to determine the most appropriate scope and content of the Summary Report. This is intended to be a cooperative process among the Geological Survey, OCS lessees, and affected States, and should remain flexible to changing information needs, within the limitations of the exemption for confidential information.

The Department believes that the Summary Report will aid in balancing the public's interest in obtaining information about its resources with the public's interest in maintaining an active and competitive oil and gas industry. If experience demonstrates that further adjustments in the system are needed, the Department will consider taking additional steps to meet those needs.

On the issue of the extent of information to be provided to affected States, a number of commenters noted the differences in Geological Survey's proposed regulations, and those proposed by the Bureau of Land Management (BLM) on the same general topic. Proposed 43 CFR 3301.8(d), 42 FR 48898 (September 26, 1977). The proposed BLM regulations appeared to allow greater disclosure than do the Geological Survey regulations. It should be pointed out that BLM does not receive geological and geophysical data and information as does the Geological Survey. However, in order to have consistent Departmental policies and to conform with Departmental regulations implementing the Freedom of Information Act, the BLM final regulations (§ 3301.8(d)) have been revised.

APPLICABILITY TO EXISTING LEASES AND PERMITS

A number of commenters questioned whether these regulations would be applicable to existing leases and permits. As regulations promulgated under the conservation authority of the Secretary of the Interior, these regulations are applicable to existing leases. The regulations will not be applicable, however, to geological and geophysical permits (30 CFR Part 251) approved prior to the effective date of the regulations.

III. Section-by-Section Discussion

SECTION 252.1 PURPOSE

This section has been clarified to more accurately delineate the purpose of the regulations.

SECTION 252.2 DEFINITIONS

This section has been clarified as to form.

SECTION 252.3 OIL AND GAS DATA AND INFORMATION TO BE PROVIDED

A sentence has been added to this section to make clear that the existing procedures of Parts 250 and 251 of this Chapter for submission of data and information to the Supervisor will apply to submissions under this section. This is in response to several comments asking whether the compensation requirements of Parts 250 and 251 were being modified. These regulations are not intended to modify existing compensation procedures.

If any question arises regarding what types of data and information the Supervisor may obtain, however, this section will govern over Parts 250 and 251.

SECTION 252.4 SUMMARY REPORT TO AFFECTED STATES

Most of the changes made in this section are explained under the "Discussion of Major Comments" ("Extent of Information to be Provided to Affected States") above.

Subsection (c) has been deleted because it appears to establish a new standard for the withholding of confidential information based on a determination of whether disclosure would "unduly damage" the competitive position of the person submitting the data and information. The regulations now rely solely on the standards for disclosure established by the FOIA, and implementing regulations, as referenced in § 252.6.

SECTION 252.5 LEASE SALE PLANNING INFORMATION TO BE MADE AVAILABLE TO AFFECTED STATES

A sentence was added to this section to clarify that once an index of lease sale information has been provided to affected States and local governments, the Director shall make available the information listed on the index where such information is subject to the control of the Geological Survey. Generally, information listed which is not subject to the control of the Geological Survey may be obtained from other Federal agencies, such the Bureau of Land Management.

The section was also changed to clarify the requirement that some specific tract nomination information not be disclosed and that the FOIA standards of confidentiality will apply throughout.

SECTION 252.6 FREEDOM OF INFORMATION ACT REQUIREMENTS

This section was changed to make clear that the Freedom of Information Act requirements for disclosure and allowances for exemption from disclosure will apply throughout the regulations. This means that all nonexempted information will be available to any party who requests it in accordance with the FOIA and that exempted information will not be made available.

IV. Environmental and Inflation Impact Statements

NOTE.—The Department of the Interior has determined that promulgation of these regulations will have no significant impact on the environment and, therefore, will not require preparation of an Environmental Impact Statement. The Department has also determined that this document does not require preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 24, 1978.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

The new Part 252 that is being added to Title 30 of the Code of Federal Regulations reads as follows:

PART 252—OUTER CONTINENTAL SHELF (OCS) OIL AND GAS INFORMATION PROGRAM

Sec.
252.1 Purpose.
252.2 Definitions.
252.3 Oil and gas data and information to be provided.
252.4 Summary report to affected States.
252.5 Lease sale information to be made available to affected States.
252.6 Freedom of Information Act requirements.

AUTHORITY: Outer Continental Shelf Lands Act of 1953, as amended, (43 U.S.C. 1331); Freedom of Information Act (5 U.S.C. 552).

§ 252.1 Purpose.

The purpose of this Part is to supplement the procedures contained in Parts 250 and 251 of this Chapter for the submission of oil and gas data and information resulting from exploration, development, and production operations on the Outer Continental Shelf (OCS) to the Director, U.S. Geological Survey. In addition, this Part establishes procedures for the Director to make available certain information to the Governors of affected States and upon request to interested local Government executives, in accordance with the provisions of the Freedom of Information Act.

§ 252.2 Definitions.

(a) "Act" refers to the Outer Continental Shelf Lands Act of 1953, as amended, 43 U.S.C. 1331, et seq.

(b) "Affected State" means, with respect to any program, plan, lease sale or other activity, proposed or approved pursuant to the provisions of the Outer Continental Shelf Lands Act, any State:

(1) the laws of which are, pursuant to section 4(a)(2) of the Outer Continental Shelf Lands Act, laws of the United States for the portion of the Outer Continental Shelf on which such activity is, or is proposed to be, conducted;

(2) which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of the Outer Continental Shelf Lands Act;

(3) which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining or transshipment, which oil was extracted from the OCS and transported by means of a vessel or by a combination of means, including vessels;

(4) which is designated by the Secretary of the Interior as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) in which the Secretary of the Interior finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine and coastal environment in the event of any oil spill, blowout, or release of oil or gas from vessels, pipelines, or other transportation facilities.

(c) "Analyzed geological information" is data which have been subjected to some analytical process such as identification of lithologic and fossil content, core analysis, laboratory analysis of physical and chemical properties, logs or charts of electrical, radioactive, sonic, and other well logs, and descriptions of hydrocarbon shows or hazardous conditions.

(d) "Data" includes facts and statistics or samples which have not been analyzed or processed.

(e) "Development" means those activities which take place following discovery of oil or natural gas in paying quantities. Said activities include geophysical activity, drilling, platform construction and other associated activities designed to establish a means for extraction of the discovered resources.

(f) "Director" refers to the Director of the United States Geological Survey, or his authorized representative.

(g) "Exploration" means those activities performed as part of the process of searching for oil or natural gas. Such activities include (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such resources; and (2) any drilling, whether on or off known geological struc-

tures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made, and the drilling of any additional delineation wells after such discovery is made when such wells are needed to delineate reservoirs or are needed to enable the lessee to determine whether to proceed with development and production activities.

(h) "Governor" means the Governor of a State or the person or entity designated by, or pursuant to, State law to exercise the powers granted to such Governor relevant to the Outer Continental Shelf Lands Act or the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1456).

(i) "Information," when used without a qualifying adjective, includes analyzed geological information, interpreted geophysical information, and interpreted geological information.

(j) "Interpreted geological information" means knowledge, often depicted in the form of maps and cross sections, developed by determining the geological significance of geological data and analyzed geological information.

(k) "Interpreted geophysical information" means knowledge, often depicted in the form of maps and cross sections, developed by determining the geological significance of geophysical data and processed geophysical information.

(l) "Lease" means the contract or agreement under which the leasehold rights are held by the lessee, or the land covered by the contract or agreement, whichever is required by the context.

(m) "Lessee" means the party authorized by a lease, or an approved assignment thereof, to explore for or to develop and produce leased deposits in accordance with the regulations in Part 250 of this Chapter, including all parties holding such authority by or through him.

(n) "Outer Continental Shelf" includes all submerged lands which lie seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (43 U.S.C. 1301 and 1302) of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(o) "Permittee" means the party authorized by a permit issued pursuant to Part 251 at this Chapter.

(p) "Processed geophysical information" is data which have been subjected to a change in form so as to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transferring data elements.

(q) "Production" means those activities which take place after successful completion of any means for the removal of resources, including such removal, field operations, transportation of oil or natural gas, operation monitoring, maintenance, and work-over drilling.

§ 252.3 Oil and gas data and information to be provided.

Any person engaging in the activities of exploration for, or development and production of, oil and gas on the Outer Continental Shelf (OCS) shall make available to the Oil and Gas Supervisor, U.S. Geological Survey, for his inspection and review, all data and information obtained or developed as a result of such activities, including geological and geophysical data, analyzed geological information, processed geophysical information, and interpreted geological and geophysical information. Copies of such specific data and information and any interpretation of such data and information shall be provided to the Supervisor upon his request. Any person submitting interpreted geological and geophysical data or information, where such data or information have been submitted in good faith, shall not be held responsible for any consequence of the use of or reliance upon such interpretations. Submission of data and information under this section shall be governed by the applicable requirements of 30 CFR Part 250 (for lessees) and 30 CFR Part 251 (for permittees), except if any question arises regarding the scope of data and information which the Supervisor may obtain, this section will govern.

§ 252.4 Summary Report to affected States

(a) The Director, after analysis, interpretation, and compilation of oil and gas data and information developed by the U.S. Geological Survey and of oil and gas data and information furnished by lessees, permittees, or other government agencies, shall make available to affected States and, upon request, to the executive of any local government whose jurisdiction covers an area impacted by OCS activities, a Summary Report of data and information designed to assist them in planning for the near-shore and onshore impacts of potential OCS oil and gas development and production. The Director shall consult with affected States and other interested parties to define the nature, scope, content and timing of the Summary Report. The Summary Report shall not contain data or information which the Director determines is exempt from disclosure in accordance with § 252.6 of this Part. The Summary Report shall include:

(1) estimates of oil and gas reserves together with projected rates and volumes of oil and gas to be produced from leased areas and estimates of the oil and gas resources that may be found within areas which the Secretary plans to offer for lease;

(2) approximate projections of the magnitude and timing of development, if and when oil or gas, or both, is discovered;

(3) methods of transportation to be used, including pipelines and approximate location of routes to be followed; and

(4) general location and nature of near-shore and onshore facilities.

(b) When significant changes in the information contained in a Summary Report occur, the Director shall prepare and distribute the new information to each affected State, and, upon request, to the executive of any local government whose jurisdiction covers an area impacted by OCS activities.

§ 252.5 Lease sale information to be made available to affected States.

The Director shall make available on a regular basis to each affected State and, upon request, to the executive of any local government whose jurisdiction covers an area impacted by OCS activities, a copy of an index which lists, to the best of his knowledge, all relevant, actual or proposed programs, plans, reports, Environmental Impact Statements, and other lease sale information. Upon request, the Director shall make available to such affected States and local governments copies of any lease sale information listed in the index and which is subject to the control of the U.S. Geological Survey. The Director shall not make available any lease sale information which identifies any particular tract with the name or names of any party or parties participating in the tract nomination process. The Director shall not make available any lease sale information which he determines is exempt from disclosure in accordance with § 252.6 of this Part.

§ 252.6 Freedom of Information Act Requirements.

The Director shall make available data and information in accordance with the requirements of the Freedom of Information Act (5 U.S.C. 552) and of the regulations contained in 43 CFR Part 2 (Records and Testimony), 30 CFR Part 250 (Oil and Gas and Sulphur Operations in the Outer Continental Shelf) and 30 CFR Part 251 (Geological and Geophysical Explorations of the Outer Continental Shelf). No data or information determined by the Director to be exempt from public disclosure under such Act and regulations shall be made available to the public or provided to any affected State or to the executive of any local government.

[FR Doc. 78-2438 Filed 1-25-78; 12:26 pm]

FRIDAY, JANUARY 27, 1978
PART VIII

THE NATIONAL ARCHIVES OF THE UNITED STATES
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL IMPACTS ON MARINE AND COASTAL ENVIRONMENTS

Outer Continental Shelf; Oil and Gas Leasing

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2430]

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

PART 3300—OUTER CONTINENTAL SHELF LEASING

Subpart 3301—Leasing Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will govern the timing and the type of environmental studies to be undertaken by the Bureau of Land Management as needed for the assessment and management of environmental impacts on the marine and coastal environments of the Outer Continental Shelf as a result of oil and gas leasing.

DATE: January 27, 1978.

ADDRESS: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION, CONTACT:

Robert C. Bruce, 202-343-8735, or Frank Monastero, 202-343-7744.

SUPPLEMENTAL INFORMATION: Proposed rulemaking on this subject was published on pages 35863 and 35864 of the FEDERAL REGISTER of July 12, 1977. Public comments were invited through August 11, 1977. Written comments were received from 22 sources, with 10 coming from State or local governments, 8 from industry, 3 from private organizations or individuals and 1 from a Federal agency. In addition, a meeting was held with the Office of Management and Budget, at their request, January 17, 1978. Two telephone contacts on the proposed rulemaking were received. All of the comments were given careful consideration. The major comments are summarized below.

While most of the comments were directed to specific sections of the proposed rulemaking, some general comments were received. Most of the general comments indicated approval of the proposed rulemaking and the formalization of our ongoing studies program. However, some commenters felt that the existing program as embodied in the proposed rulemaking was not sufficiently detailed. Others questioned whether the studies program adequately covers the requirement for environmental information on the Outer Continental Shelf (OCS). The Department believes that the studies program presently being used does provide the information needed by the decisionmakers who must make decisions on the OCS. At the same time, the program and the information it provides are constantly being monitored and changed as needed. The studies program is believed to be adequate and will go forward.

Several comments were directed specifically to § 3301.7(a) of the proposed rulemaking. One set of comments focused on the requirement that the National Oceanic and Atmospheric Administration (NOAA) be used to the greatest extent possible in the studies. One suggestion was that more reliance be placed on contracts with private organizations, while another was that the States be allowed greater involvement in the studies process. Another suggestion was to rely on NOAA to the extent desirable. The association of the Department of the Interior through the Bureau of Land Management with NOAA in this studies program has been most satisfactory. NOAA's service will continue to be used to the greatest extent practical in the future. However, this does not preclude using other sources as needed to be consistent with the Economy Act (31 U.S.C. 686) and OMB Circular A-76.

A second area of comment on § 3301.7(a) dealt with the use of the term "interested parties." Many felt that the language of the proposed rulemaking was not specific enough. Nearly every one of those commenting on this subject wanted the term expanded to include the specific interest group he represented. The language of the section dealing with interested parties is believed to be sufficiently flexible to allow consultation with any appropriate party. If a change were made, a major problem would be who should or should not be specifically included in the definition.

Some commenters discussed use of the word "nearshore" in § 3301.7(a) and urged that the term be specifically defined in the final rulemaking. Generally, the aim of the comments was to expand the term to include onshore facilities and secondary impacts resulting from OCS leasing. The question of the areas that should be covered by the program has been a matter of debate since shortly after the initiation of the studies program. The rulemaking as written is sufficiently broad to allow BLM to work with State and local governmental jurisdictions to identify studies that are needed to make decisions about the impacts that will flow from OCS leasing. It must also be kept in mind that the BLM studies will be done in conjunction with the activities of other Federal agencies that have responsibilities for coastal area protection. The language of § 3301.7(a) has therefore not been amended to further define the term "nearshore."

A few commenters wanted § 3301.7(a) to require studies, whether needed or not, especially in those areas where off-shore development has already taken place. Other commenters suggested that no studies be done in areas where substantial development has already occurred. We amended the section to provide that studies would not be required in those areas where substantial development has taken place. However, this section as amended, is believed to be flexible enough to require some studies in areas already under lease if it is determined studies are needed to furnish information for assessment. In carrying out this rulemaking, the Bureau will conduct studies in all areas, with the possible exception of Louisiana-Texas OCS, an area where substantial development has occurred, to obtain the information needed to adequately ascertain the impact of oil and gas development on the OCS and its environment. The type of information and degree of study will vary depending on the region, the extent of development and the use to be made of the studies' information.

Those commenting on § 3301.7(b) felt that the objective of the study program was not clearly stated and that more specificity was needed. Several felt that the aim of the program was not adequately stated, nor were the uses to be made of information derived from the study properly enumerated. In accordance with these comments, § 3301.7(b) has been amended to provide a better description of the aim of the studies and the use that will be made of the information obtained. The new language makes it clear that the studies will examine offshore, nearshore, and onshore impacts, as necessary. Results will be used in the decisionmaking process to prepare lease schedules, select tracts, ensure that appropriate mitigation measures are taken, to prepare environmental statements, and to meet other Bureau requirements for input to post-leasing decisions.

Those commenting on § 3301.7(c) identified several areas of concern. Most of the comments focused on the time for initiation of studies. All of those commenting on the time for initiating studies recommended that the period be lengthened, with most recommending that the studies be started at least 1 year prior to a lease sale. This change was not adopted; it was not felt to be needed. The 6-month period provided for in the rulemaking is a minimum period and the studies can begin at any point prior to the sale. The goal is to start the studies 18 months prior to a lease sale. The rulemaking gives the needed flexibility.

Other comments on § 3301.7(c) were aimed at setting firm requirements for the completion of all studies prior to

certain decision points. One group of comments, those made by the State and local governments and certain interest groups, wanted to be sure that needed information was in hand for consideration prior to a decision point. On the other hand, those commenting on behalf of the oil industry wanted it clear that permits would not be delayed for long periods of time while studies were continued. As the conflict in the comments makes clear, it is nearly impossible to set time requirements for the studies that will be satisfactory to everyone. The studies program is designed to be one more tool for use by the Federal Government in the gathering of information it needs to make decisions on leasing on the OCS. Each situation is different and the type of information needed will vary with each leasing situation. Further, it must be recognized that studies are not only a part of a specific lease decision but are also used in making decisions on broader management functions which relate to several leases and cover the whole OCS program.

The existing studies program calls for the preparation of studies plans for each area of the OCS in cooperation with interested parties. These studies plans are then circulated among interested parties for review and comment, with needed revisions being made prior to the initiation of the studies program. The existing program gives needed flexibility to work with interested parties and take into account the needs that will vary from area to area. These needs then will be identified by those reviewing the studies plans as well as from the Bureau of Land Management's review of each situation.

A large number of comments were addressed to § 3301.7(d) with special emphasis on the feeling that the proviso made the section virtually meaningless. We have restudied the section and agree that it is contradictory and contributes nothing to the rulemaking. We have, therefore, deleted the section. The section was inserted to describe our effort to have generally complete studies for each OCS area prior to a decision being made on development or production plans. However, emergency situations do arise and language was included to cover them. We will continue under our present operation of having either completed studies or studies sufficiently complete to give the decisionmaker adequate information upon which to base his decision prior to approving any development or production plan.

Finally, comments on § 3301.7(e) requested the inclusion of language calling for specific use of the findings obtained from a monitoring program. This suggestion was adopted. Language has been added to § 3301.7(e) setting specific uses for the findings obtained from the monitoring program.

Editorial and language changes needed to clarify the rulemaking has been made.

The principal authors of this rulemaking are Frank Monastero, Chris Oynes, and Robert C. Bruce, members of the Bureau of Land Management's OCS Task Force.

In accordance with the provisions of the Administrative Procedures Act (5 U.S.C. § 553(d)) the Secretary of the Interior has determined that it is in the public interest for these regulations to become final upon publication. This determination is based on the need to have the regulations effective at the time of the next sale of OCS oil and gas leases. The North Atlantic OCS lease sale (Sale No. 42) is scheduled to take place on January 31, 1978.

Under the authority of section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), Subpart 3301, Park 3300, Group 3300, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations is hereby amended by adding a new § 3301.7 as set forth below.

GUY R. MARTIN,
Assistant Secretary of the Interior.

JANUARY 24, 1978.

§ 3301.7 Environmental studies.

(a) The Director shall, except in areas where there has been substantial development, conduct a study of any area or region included in any lease sale in order to establish information needed for prediction, assessment and management of impacts on the human, marine and coastal environments of the Outer Continental Shelf and the nearshore area which may be affected by oil and gas activities in such area or region. Such study shall be planned and carried out in cooperation with the affected coastal States and interested parties and, to the extent possible, shall not duplicate studies done under other laws. To the maximum extent practicable, the Director shall enter into appropriate agreements with the National Oceanic and Atmospheric Administration for the performance of the studies required by this regulation. Cooperative agreements with affected States may be entered into for the purpose of carrying out the studies required in this section.

(b) Any study of an area or region shall be designed to: (1) Provide information on the status of the environment upon which predictions of the impacts of Outer Continental Shelf oil and gas development for leasing decisionmaking may be based, (2) provide information on the ways and extent that Outer Continental Shelf development can potentially impact the human, marine, biological, and coastal areas, (3) ensure that information already available or being collected under the program is in a form that can be used in the decisionmaking process associated with a specific leasing action or with the longer term Outer Continental Shelf minerals management responsibilities, and (4) provide a basis for future monitoring of Outer Continental Shelf operations.

(c) Data collection or other study program activity in connection with the study required by paragraph (a) of this section shall be commenced no later than 6 months after the effective date of this regulation with respect to all sales held either before or to be held within one year of its effective date. For all subsequent sales, the data collection or other study program activity shall be commenced no later than 6 months prior to a lease sale. The Director may utilize information collected in any study prior to the effective date of this section in conducting any such study.

(d) After the leasing and developing of any area or region, the Director shall conduct such additional studies to establish additional information as he deems necessary and shall continue to monitor the human, marine, and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with the results of studies conducted prior to Outer Continental Shelf oil and gas development. This will be done to identify any significant changes in the quality and productivity of such environments, to establish trends in the areas studied, and to design experiments identifying the causes of such changes. Findings from such studies will be used to recommend modifications in practices which are employed to mitigate the effects of Outer Continental Shelf activities and to enhance the data/information base for impact prediction resulting from a single future sale action or cumulative actions.

[FR Doc. 78-2439 Filed 1-25-78; 12:19 am]

[4310-84]

[Circular No. 2431]

PART 3300—OUTER CONTINENTAL SHELF LEASING

Subpart 3301—Leasing Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking adds a new § 3301.8 to Subpart 3301 setting up the procedure for the release of specified information with respect to any program, plan, lease, sale or other activity proposed, conducted

or approved relating to the Outer Continental Shelf (OCS) to States and local governments affected by such activity. This information is needed so that the affected governments can determine the impact of OCS development and can plan accordingly.

DATE: January 27, 1978.

ADDRESS: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION, CONTACT:

Robert C. Bruce, 202-343-8735, or William J. Quinn, 202-343-8457.

SUPPLEMENTARY INFORMATION: Proposed rulemaking on this subject was published on page 48898 of the FEDERAL REGISTER of September 26, 1977. Public comments were invited through October 26, 1977, but a 15 day extension allowed the submission of comments until November 10, 1977. Written comments were received from 42 sources, with 32 comments coming from industry, seven from State and local government, and three from historical and environmental groups. The comments were given careful consideration during the decisionmaking process. The major comments are summarized below.

This final rulemaking specifies the types and kinds of information that the Bureau of Land Management (BLM) will make available to State and local governments affected by OCS activities and the conditions under which such information will be provided. This information is needed so the affected governments can determine the impact the OCS program will have and plan accordingly.

A good many of the comments appeared to be based on a misunderstanding of the roles of BLM and the U.S. Geological Survey (USGS) have in information access, availability and type. Since BLM is the leasing agency, its information is primarily related to the environmental impact and conduct of the sale. The functions of the USGS include supervision of the exploration, development and production activities on a lease. In this capacity, it has geologic, geophysical and other data on the oil and gas potential of an area. Thus, USGS, not BLM, is the agency in control of geologic and geophysical data and interpretation.

Another general comment made was that the rulemaking was in excess of the statutory authority granted the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1334). The Act gives the Secretary broad authority in dealing with the resources of the OCS. This rulemaking, while not dealing directly with OCS leasing, does deal with problems that are directly attributable to leasing activity on the OCS. Thus, the issuance of this rulemaking clearly falls within the authority granted by the Act.

Comments were made that the definition of the term "affected State" as used in § 3301.8(a) is vague and overly broad. Particular emphasis was placed on the point that § 3301.8(a)(3) allows a land-locked state to qualify as an affected state. Those commenting felt that the definition should be limited so that only those states adjacent to an OCS development and those where major additional facilities for said development will be located, can qualify to receive information. While it is clear that some states, particularly those adjacent to OCS development and those where major facilities are located, are more clearly impacted, this is not an adequate test of which states should have access to OCS information. Many states, those inland as well, may have major oil and gas facilities that are impacted by OCS development. Further, a broad definition is necessary because of the unpredictability of where oil spills or other environmental problems resulting from OCS development may impact. It must be remembered that this information is being furnished the states to enable them to plan effectively. In addition, the use of the term "significant" in reference to impacts or risks of damage has the effect of restricting the number of affected states.

Commenters suggested the inclusion of historical and cultural resources among the resources covered by § 3301.8(a)(4). Historical and cultural resources are included in the phrase "coastal, marine or human" now contained in § 3301.8(a)(4). This suggestion was not adopted.

Comments on § 3301.8(b) suggested that the language be expanded to allow the release of information to affected local governments. Local governments impacted by OCS developments do have need of information so that they can make plans to deal with the impacts of OCS development. This section has been amended to provide for the release of information to impacted local governments that request it.

Commenters asked that § 3301.8(b) be amended to clearly state that an "index" would not contain any confidential or proprietary information. There was no intention that such information be included in an index. The language suggested in one of the comments has been adopted to clarify this point.

The largest number of comments on the proposed rulemaking were directed at the question of authority to release information and the types of information that could be released. Some of the comments alleged that the release of information provided for in the proposed rulemaking exceeded the authority granted under the provisions of the Freedom of Information Act (5 U.S.C. 552) (FOIA). Other comments suggested that the rulemaking provisions dealing with the release of information violated the protection afforded by the 5th amendment of the Constitution. The FOIA has been implemented by Department of the Interior regulations and those regulations are in keeping with the general interpretation given the FOIA. A comparison of the Departmental regulations and the provisions of the proposed rulemaking led to the conclusion that this rulemaking had perhaps gone a little further than the guidelines set down by the Departmental regulations. Having reached that conclusion, § 3301.8(d) has been rewritten to reflect the Departmental regulations. As rewritten, the provision reflects most of the comments raised on this matter.

Some of the comments contended that the cross reference section that makes reference to 30 CFR 252 could be interpreted as allowing the release of geologic and geophysical data, thereby jeopardizing a firm's competitive position. This interpretation was not intended. The change made to § 3301.8(d) should remove any doubt about this matter, but in case it does not, it should be remembered that geological and geophysical data and interpretations are under the sole custody of the USGS and their release is subject to the regulations in 30 CFR 252. Therefore, the cross reference provision is needed. It thus appears that the contention concerning the 5th amendment is without merit.

Comments raised the point that § 3301.8(c) authorizes the release of "specific industry interest information" on tracts nominated for sale. Some of those commenting felt that this wording is ambiguous and could jeopardize a firm's competitive position. The section has been rewritten to state that "related indications of interest (i.e. high and low) on tracts nominated" are available for release. This follows current Departmental practice. No competitive impact has been observed as a result of this procedure.

Commenters raised the question of whether the protection afforded by § 3301.8(c) to tract nominators by not linking their names to tracts nominated is cancelled by the language in § 3301.8(d). This same point was raised by some commenters who wanted to know if the confidentiality of nominators is absolute or whether information relating to nominators can be released if a determination is made that it will not compromise the competitive position of any party, as the language now implies. The protection of nominators is absolute and the rulemaking has been revised to make it clear the names of nominators will not be released.

A comment suggested that the States have no need to know which tracts are nominated, even in aggregate, unless they are selected for leasing. The question was raised as to the impact a tract that is not leased could have on a State. If the States are to have an opportunity for meaningful input into the tract selection process, they must have aggregate nomination information. The release of the greatest amount of information at the earliest possible time on tracts will be helpful to them. It is current Departmental practice to release relative indications of interest in tracts, i.e., high and low.

One suggestion made by the comments on the matter of release of information was that strict criminal penalties should be provided for disclosure of privileged or confidential information by the States. The Secretary of the Interior has no authority to impose criminal sanctions for the release of information. In addition, the rulemaking establishes, particularly in the new § 3301.8(d), safeguards to prevent release of sensitive information. The propriety of the allegation that the States cannot maintain confidentiality is questionable when no proof has been offered to support the allegation.

Some of the comments called for a public hearing on the rulemaking so that the ramifications of the rulemaking could be thoroughly aired. The time allowed for public comment on the rulemaking gave all interested parties adequate time to review the rulemaking and make their comments. No clear public purpose would be served by delaying the rulemaking and holding a public hearing. The wide range of comments received is a clear indication that the rulemaking has been carefully and critically examined.

Among the comments was the suggestion that an economic impact statement should be required on this rulemaking. The economic impact of the rulemaking is negligible at best and clearly outside of the requirements set forth in Executive Order 11821 and OMB Circular No. A-107. The earlier determination that an economic impact analysis is not needed is still correct.

Editorial and language changes needed to clarify the rulemaking have been made.

The principal authors of this rulemaking are William J. Quinn, Chris Oynes, and Robert C. Bruce of the Bureau of Land Management's OCS Task Force.

In accordance with the provisions of the Administrative Procedures Act (5 U.S.C. § 553(d)) the Secretary of the Interior has determined that it is in the public interest for these regulations to become final upon publication. This determination is based on the need to have the regulations effective at the time of the next sale of OCS oil and gas leases. The North Atlantic OCS lease sale (Sale No. 42) is scheduled to take place on January 31, 1978.

Under the authority of section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334), Subpart 3301, Part 3300, Group 3300, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations is hereby amended by adding a new § 3301.8 as set forth below.

GUY R. MARTIN,
Assistant Secretary of the Interior.

JANUARY 24, 1978.

Subpart 3301—Leasing Areas

* * * * *

§ 3301.8 Oil and gas information.

(a) For the purposes of this section, an affected State with respect to any program, plan, lease, sale, or other activity proposed, conducted or approved pursuant to the Act, is any State:

(1) The laws of which are declared, pursuant to section 4(a)(2) of the Act, to be the law of the United States for the portion of the Outer Continental Shelf on which such activity is, or is proposed to be conducted;

(2) Which is, or is proposed to be, directed connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of the Act;

(3) Which is receiving, or in accordance with the proposed activity, will receive, oil for processing, refining, or transshipment which was extracted from the Outer Continental Shelf and transported by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in social, governmental or economic conditions resulting from the exploration, development and production of oil and gas anywhere on the Outer Continental Shelf; or

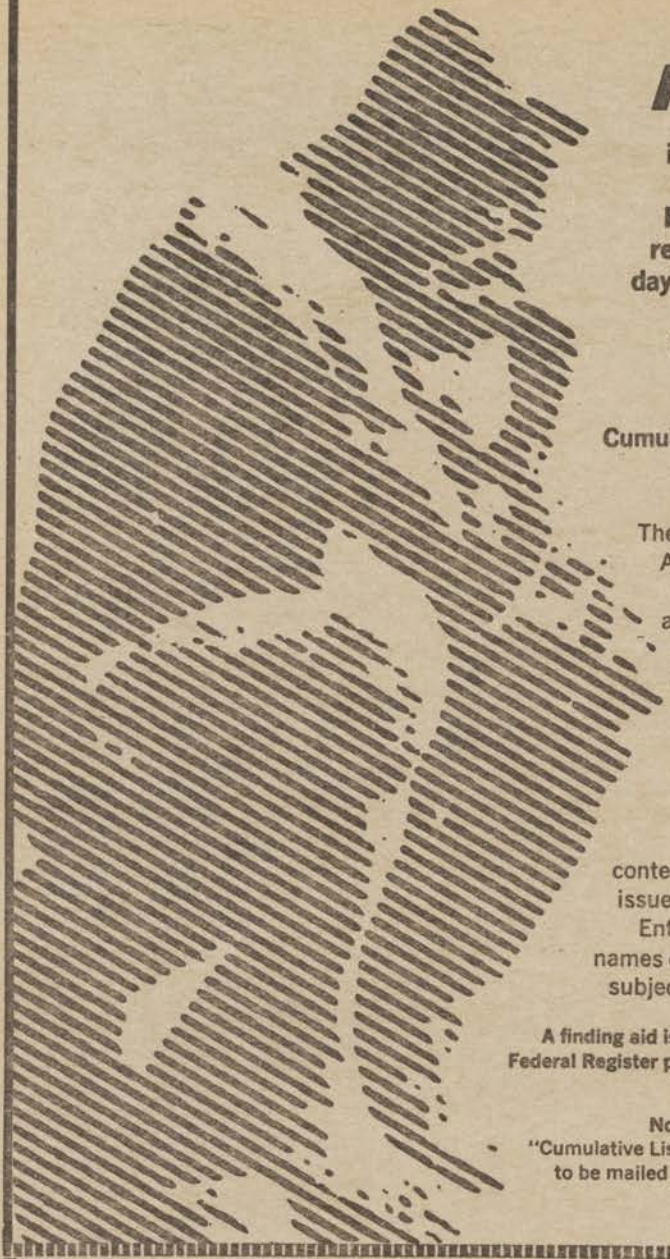
(5) In which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine and coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines or other transshipment facilities.

(b) The Director shall transmit on a regular basis to any affected State and, upon request, to the executive of any local government whose jusisdiction is included in an area impacted by Outer Continental Shelf activities, a copy of an index which lists, to the best of his knowledge, all relevant actual or proposed Departmental programs, plans, reports, environmental statements, lease sale information, and any other similar type of relevant information. Confidential or proprietary information shall not be included in the index.

(c) The Director shall transmit to any affected State and, upon request, to the executive of any local government whose jurisdiction is included in an area impacted by Outer Continental Shelf activities, a copy of any comment or negative nomination timely filed in response to a Call for Nominations and Comments for a proposed sale and shall also provide relative indications of interest (i.e. high and low) on tracts nominated for sale, except that no particular tract shall be identified with the name or names of any particular party so that it will not compromise the competitive position of any party or parties participating in the nominations.

(d) The Director shall make available data and information in accordance with the requirements of the Freedom of Information Act (5 U.S.C. 552) and of the regulations contained in 43 CFR Part 2 (Records and Testimony). No data or information determined to be exempt from public disclosure under such Act and regulations shall be made available for public disclosure or provided to any affected state or to the executive of any local government.

[FR Doc. 78-2440 Filed 1-25-78; 12:19 pm]



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