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federal register

FRIDAY, OCTOBER 21, 1977

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Monday	Tuesday	Wednesday	Thursday	Friday
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	HEW/CDC			HEW/CDC
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

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EPA—California plan revision; Tulare County Air Pollution Control District. 47556; 9–21–77

SEC—SECO broker-dealers; annual assessment form..... 47552; 9–21–77

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

National wildlife refuges in Okla. and Tex.; opening to hunting.... 43977; 9–1–77

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USDA/FSQS—Canadian Egg Products Inspection System.... 48327; 9–23–77

List of Public Laws

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

presidential documents

[3195–01]

Title 3—The President

REORGANIZATION PLAN NO. 1 OF 1977

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 15, 1977, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.[1]

Executive Office of the President

SECTION 1. *Redesignation of Domestic Council Staff.*

The Domestic Council staff is hereby designated the Domestic Policy Staff and shall consist of such staff personnel as are determined by the President to be necessary to assure that the needs of the President for prompt and comprehensive advice are met with respect to matters of economic and domestic policy. The staff shall continue to be headed by an Executive Director who shall be an Assistant to the President, designated by the President, as provided in Section 203 of Reorganization Plan No. 2 of 1970. The Executive Director shall perform such functions as the President may from time to time direct.

SECTION 2. *Establishment of an Office of Administration.*

There is hereby established in the Executive Office of the President the Office of Administration which shall be headed by the President. There shall be a Director of the Office of Administration. The Director shall be appointed by the President and shall serve as chief administrative officer of the Office of Administration. The President is authorized to fix the compensation and duties of the Director.

The Office of Administration shall provide components of the Executive Office of the President with such administrative services as the President shall from time to time direct.

SECTION 3. *Abolition of Components.*

The following components of the Executive Office of the President are hereby abolished:

A. The Domestic Council;

B. The Office of Drug Abuse Policy;

C. The Office of Telecommunications Policy; and

D. The Economic Opportunity Council.

SECTION 4. *Appointment of the Assistant Secretary of Commerce for Communications and Information.*

There shall be in the Department of Commerce an Assistant Secretary for Communications and Information who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to receive compensation at the rate now or hereafter prescribed by law for Level IV of the Executive Schedule.

[1] As amended September 15, 1977.

SECTION 5. *Transfers of functions.*

The following functions shall be transferred:

A. All functions vested in the Director of the Office of Science and Technology Policy and in the Office of Science and Technology Policy pursuant to sections 205(a)(2), 206 and 209 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94–282; 90 Stat. 459), are hereby transferred to the Director of the National Science Foundation. The Intergovernmental Science, Engineering, and Technology Advisory Panel, the President's Committee on Science and Technology, and the Federal Coordinating Council for Science, Engineering and Technology, established in accordance with the provisions of Titles II, III, IV of the National Science and Technology Policy, Organization, and Priorities Act of 1976, are hereby abolished, and their functions transferred to the President.

B. Those functions of the Office of Telecommunications Policy and of its Director relating to:

(1) the preparation of Presidential telecommunications policy options including, but not limited to those related to the procurement and management of Federal telecommunications systems, national security, and emergency matters; and

(2) disposition of appeals from assignments of radio frequencies to stations of the United States Government;

are hereby transferred to the President who may delegate such functions within the Executive Office of the President as the President may from time to time deem desirable. All other functions of the Office of Telecommunications Policy and of its Director are hereby transferred to the Secretary of Commerce who shall provide for the performance of such functions.

C. The functions of the Office of Drug Abuse Policy and its Director are hereby transferred to the President, who may delegate such functions within the Executive Office of the President as the President may from time to time deem desirable.

D. The functions of the Domestic Council are hereby transferred to the President, who may delegate such functions within the Executive Office of the President as the President may from time to time deem desirable.

E. Those functions of the Council on Environmental Quality and the Office of Environmental Quality relating to the evaluation provided for by Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93–577, 88 Stat. 1878), are hereby transferred to the Administrator of the Environmental Protection Agency.

F. Those functions of the Office of Management and Budget and its Director relating to the Committee Management Secretariat (Public Law 92–463, 86 Stat. 770, as amended by Public Law 94–409, 90 Stat. 1247) are hereby transferred to the Administrator of General Services.

G. The functions of the Economic Opportunity Council are hereby transferred to the President, who may delegate such functions within the Executive Office of the President as the President may from time to time deem desirable.

SECTION 6. *Incidental Transfers.*

So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate department, agency, or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of all agencies abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Reorganization Plan.

SECTION 7. *Effective date.*

This Reorganization Plan shall become effective at such time or times on or before April 1, 1978, as the President shall specify, but not sooner than the earliest time allowable under Section 906 of Title 5 of the United States Code.

[FR Doc.77-30892 Filed 10-20-77;8:45 am]

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 13, No. 29: July 15, Presidential message transmitting Reorganization Plan No. 1 of 1977 to Congress. (Also printed as House Document No. 95-185.)

Vol. 13, No. 38: Sept. 15, Presidential message transmitting amendments to Reorganization Plan No. 1 of 1977 to Congress. (Also printed as House Document No. 95-222.)

HOUSE REPORT No. 95-661 accompanying H. Res. 688 (Comm. on Government Operations).

SENATE REPORT No. 95-465 accompanying S. Res. 222 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, H. Res. 688, resolution of disapproval, introduced in House and referred to Committee on Government Operations.

S. Res. 222, resolution of disapproval, introduced in Senate and referred to Committee on Governmental Affairs.

Oct. 14, H. Res. 688 rejected by House; plan thereby approved by House.

[3195-01]

Executive Order 12014 • October 19, 1977

Relating to the President's Award for Distinguished Federal Civilian Service

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, the Distinguished Civilian Service Awards Board is hereby abolished and Executive Order No. 10717, as amended, is further amended by deleting Sections 3, 4, 5, 6, 7, 8 and 9 and by adding the following new Sections:

"SEC. 3. The Chairman of the United States Civil Service Commission shall advise and assist the President in selecting persons to receive this award. In performing this function, the Chairman shall carefully review nominations submitted pursuant to the provisions of Section 4 of this Order and decide which of them, if any, warrant presentation to the President. The Chairman shall thereupon transmit to the President the names of those persons who, in the opinion of the Chairman, merit the award, together with a statement of the reasons therefor. Recipients for the award shall be selected by the President.

"SEC. 4. The form and procedures for making nominations for this award shall be prescribed by the Chairman of the United States Civil Service Commission, in accord with the following principles:

"(a) The Chairman shall be guided in the performance of this function by the provisions of Section 4504 and 4505 of Title 5 of the United States Code, and by additional criteria which the Chairman may prescribe.

"(b) The Chairman shall not recommend any person for the award without the concurrence of the head of the agency in which that person was employed at the time of the achievement for which the award is recommended.

"(c) Persons appointed by the President are not eligible for this award unless, in the opinion of the Commission, they are currently serving in a career position.".

Jimmy Carter

THE WHITE HOUSE,
October 19, 1977.

[FR Doc.77-30906 Filed 10-19-77;5:13 pm]

rules and regulations

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Army

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Assistant Secretary of the Army (Manpower and Reserve Affairs) is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3307(c)(1) is added as set out below:

§ 213.3307 Department of the Army.

* * * * *

(c) Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

(1) One Special Assistant to the Assistant Secretary of the Army (Manpower and Reserve Affairs).

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

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

[FR Doc.77-30728 Filed 10-20-77;8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Agency for International Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Confidential Assistant to the Assistant Administrator for Program and Policy Coordination is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3368(l)(1) is added as set out below:

§ 213.3368 Agency for International Development.

* * * * *

(l) *Office of the Assistant Administrator for Program and Policy Coordination.*

(1) One Confidential Assistant to the Assistant Administrator.

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

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

[FR Doc.77-30729 Filed 10-20-77;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. 116]

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 October 23-29, 1977. 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: October 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, 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 October 18, 1977, 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 good on 115's and larger, steady on 140's, and easier on 165's and smaller.

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.

§ 910.416 Lemon Regulation 116.

(a) *Order.* The quantity of lemons grown in California and Arizona which may be handled during the period October 23, 1977, through October 29, 1977, 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: October 13, 1977.

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

[FR Doc.77-30382 Filed 10-20-77;11:59 pm]

[1505-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1012—MEETINGS: ADVANCE PUBLIC NOTICE, PUBLIC ATTENDANCE, AND RECORDKEEPING

Correction

In FR Doc. 77-27978, appearing on page 48875 in the issue of Monday, September 26, 1977, the following changes should be made:

1. The heading of § 1012.5, now reading "Recordkeeping categories.", should read, "Agency meetings: requirements for advance public notice and attendance by the public".

2. Immediately below the section heading, the paragraph designated (a)(1) should be designated (b)(1).

[6750-01]

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 9052]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

New Rapids Carpet Center, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Final Order.

SUMMARY: This order, among other things, requires Lee Kanter, a/k/a Lee Woods, a Bronx, N.Y. retailer of carpets, furniture and major appliances, to cease using bait and switch tactics and other unfair and deceptive techniques in the advertising and sale of his products, and to cease failing to make material disclosures in contracts regarding quantity/unit cost data, and customers' right to cancellation and refunds. The firm must advise delinquent customers of impending collection suits and bring such suits only in the county where the customer resides or signed the contract. Additionally, the order requires the firm to provide consumers, in connection with the extension of consumer credit, such material disclosures as required by Federal Reserve System regulations.

DATES: Complaint issued August 26, 1975; Final Order issued July 26, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In the Matter of New Rapids Carpet Center, Inc., a corporation; Charge Account Factors, Inc., a corporation; Charge Account Credit Corp., a corporation: and Lee Kanter, a/k/a Lee Woods, individually and as General Manager of New Rapids Carpet Center. Inc.. as an officer of Charge Account Factors, Inc. and Charge Account Credit Corp.. and as an individual doing business as New Rapids Furniture Warehouses. Inc., (formerly a New York corporation dissolved by proclamation of the Secretary of State on December 15. 1970).

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

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; § 13.15-105 Identity; § 13.15-120 Individual being corporation; 13.15-275 Stock, product, or service; § 13.20 Comparative data or merits; § 13.-42 Connection of others with goods; § 13.-70 Fictitious or misleading guarantees; § 13.73 Formal regulatory and statutory requirements; § 13.73-92 Truth in Lending Act; § 13.75 Free goods or services; § 13.-155 Prices; § 13.155-10 Bait; § 13.155-75 Product or quantity covered; § 13.155-95 Terms and conditions; § 13.155-95(a) Truth in Lending Act; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.275 Undertakings, in general. Subpart—Contracting for Sale in any Form Binding on Buyer Prior to End of Specified Time Period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective Actions and/or Requirements: § 13.-533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-37 Formal regulatory and/or statutory requirements; § 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.-675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging Products, Merchandise, Services, Etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Enforcing Dealings or Payments Wrongfully: § 13.-1045 Enforcing dealings or payments wrongfully. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1395 Connections and arrangements with others; § 13.1440 Identity; § 13.1448 Individual or private business as cooperative or corporation; § 13.1565 Trade names; § 13.1570 Stock, product or service. —Goods: § 13.1575 Comparative data or merits; § 13.1623 Formal regulatory and statutory requirements; § 13.1623-95 Truth in Lending Act; § 13.1625 Free goods or services; § 13.1647 Guarantees; § 13.-1740 Scientific or other relevant facts; § 13.-1760 Terms and conditions; § 13.1760-50 Sales contract. —Prices: § 13.1779 Bait; § 13.1823 Terms and conditions; § 13.1823-20 Truth in Lending Act. —Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirement; § 13.1852-75 Truth in Lending Act; § 13.1882 Prices; § 13.1892 Sales contract, right-to-cancel provision; § 13.-1895 Scientific or other relevant facts; § 13.-1905 Terms and conditions; § 13.1905-50 Sales contract; § 13.1905-60 Truth in Lending Act. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal; § 13.1955 Free goods; § 13.-1980 Guarantee, in general; § 13.2013 Offers deceptively made and evaded; § 13.-2063 Scientific or other relevant facts; § 13.2080 Terms and conditions; § 13.2090 Undertakings, in general .Subpart—Securing Orders by Deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

The final order issued by the Commission is as follows:

FINAL ORDER

The administrative law judge filed his initial decision in this matter on January 19, 1977, and service was completed on February 14, 1977. Neither party filed an appeal from the initial decision. However, by letter of February 19, 1977, counsel for respondents requested that the Commission issue an order placing this matter on its own docket for review, pursuant to Section 3.53 of the Commission's Rules of Practice. On February 22, 1977, complaint counsel filed its opposition to respondents' request. By order of March 14, 1977, the Commission stayed the effective date of the initial decision until further order of the Commission.

The ground upon which respondents' counsel bases his request is the assertion that "the Findings of Fact set forth by the Administrative Law Judge do not support the order * * *." No reasons are provided for this assertion.

The Commission has determined to deny respondents' request that this matter be placed on the Commission's own docket for review. The appropriate method by which respondents should have sought Commission review of the initial decision was by filing an appeal under Section 3.52 of the Commission's Rules. In any event, respondents have furnished no reasons, and the Commission can discern none, why the findings of fact do not support the order. However, the Commission has determined to place this matter on its own docket for review for the limited purposes of correcting technical errors in the initial decision and determining the appropriateness of the order recommended by the administrative law judge, in accordance with Sections 3.51(a) and 3.54 of the Commission's Rules. The Commission has determined that the initial decision should become effective as provided in Section 3.51 of the Commission's Rules, with the following modifications:

(1) In Finding 22. line 6, insert "in" between "only" and "New".

(2) Add Table II. which had been inadvertently omitted from Finding 71 in the printed edition of the initial decision, to that Finding.

(3) In the first paragraph of Part IV of the order. line 6, substitute "municipal" for "minicipal".

(4) In lieu of the last order provision in Part IV pertaining to notification by the individual respondent of changes in his business or employment, substitute:

It is further ordered, That: the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

Therefore, it is ordered that the initial decision and order contained therein, as modified above, shall become effective on the date of issuance of this order.

The order to cease and desist in the initial decision, as modified above, is as follows:

ORDER

I

It is ordered, That respondent Lee Kanter, a/k/a Lee Woods, individually, and as a former General Manager of New Rapids Car-

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

pet Center, Inc., and as an individual doing business, as New Rapids Furniture Warehouses, Inc. and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpets, furniture, appliances and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. (a) Using "Inc." in the trade name used to designate the business operated by him individually, or otherwise representing in any manner that said business is incorporated or operated by a corporation.

(b) Obtaining sales leads or prospects arising out of any advertising other than Respondent's own for the purpose of selling or offering to sell the advertised product without selling or offering to sell such product pursuant to all the advertised items, unless fair notice is given at the time of the first sales approach of (1) the separate identities of the advertiser to seller and (2) any difference in their prices or other conditions of sale of the advertised product.

2. Using, in any manner, a sales plan, scheme, or device wherein false, misleading or deceptive statements or representations are made or adopted in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

3. Making representations, orally or in writing, directly or by implication, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

4. Disparaging, in any manner, or discouraging the purchase of any merchandise services which are advertised or offered for sale.

5. Failing to disclose clearly and conspicuously in all carpeting sales contracts the quantity sold and the price per square yard for such carpeting.

6. Misrepresenting, orally, visually, in writing or in any other manner, directly or by implication, the nature of any gift and the conditions under which it is given.

7. Failing to make delivery to respondent's customers of any gift or bonus product advertised or offered in connection with the purchase of carpeting or any other merchandise.

8. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

9. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

"YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

10. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in 10 point boldface type the following information and statements in the same language as that used in the contract:

Notice of Cancellation

(enter date of transaction)

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____, at
(Name of seller)

(Address of seller's place of business)
not later than midnight of _____.

I Hereby Cancel This Transaction.

(Date)

(Buyer's signature)

11. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

12. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

13. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

14. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

15. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

16. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, That nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon a showing of inconsistency shall make such modifications as may be warranted in the premises.

17. Representing, orally or in writing, directly or by implication, that any product or service is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondents deliver to each purchaser, prior to the signing of the sales contract, a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee equal to the representations, orally or in writing, directly or by implication, made to each such purchaser, and unless respondents promptly and fully perform all of their obligations and requirements under the terms of each such guarantee.

Nothing in this order shall be construed to relieve respondent of his duty to comply with present and future laws, regulations and rules dealing with warranties or guarantees.

II

IT IS ORDERED that respondent Lee Kanter, a/k/a Lee Woods, individually, and as a former General Manager of New Rapids Carpet Center, Inc. and as a former officer of Charge Account Factors, Inc. and as a former officer of Charge Account Credit Corp., all of which corporations are now defunct, and as an individual doing business as New Rapids Furniture Warehouses, Inc., and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the collection of consumer debts, shall forthwith cease and desist from:

Failing to give customer-debtors the opportunity to provide respondents with an affirmative statement as to the reason for any alleged default in payment and to furnish the alleged debtor along with the first notice of an alleged default, a self-addressed stamped postcard allowing customer-debtors to either deny liability completely, or to dispute the amount of the debt, or to indicate any other reason for non-payment of the debt. The form of the postcard shall be as follows:

"I have not paid this bill for the following reason:

1.( ) It's a mistake. I don't owe anything because_____

2.( ) It's a mistake. The balance should only be $_____

3.( ) State any other reason for nonpayments:"

It is further ordered, That upon receipt of said card indicating the reason for nonpayment, all further collection attempts shall be temporarily discontinued and respondent shall designate a responsible individual within respondent's organization who shall make an effort to arrive at a fair and equitable adjustment.

It is further ordered, That respondent shall commence legal action against his customers only:

1. Where the debtor does not return the postcard within thirty days after the date of mailing, or

2. Where in the reply the debtor has indicated a dispute over the debt and respondent's representative has made a good faith effort to arrive at a mutually satisfactory resolution of the dispute and such efforts have been unsuccessful.

It is further ordered, That: 1. Where respondent brings suit against a consumer for non-payment of any amount claimed to be due on account of retail purchase or extension of credit in connection with such purchase or on account of any contract or security instrument in connection with such purchase, respondents shall notify such consumer of such suit by sending a copy first class mail with certificate of mailing and "do not forward" and "address correction requested" noted thereupon, to the last known address of such consumer, in addition to any other notification or service required by any other applicable federal, state or local law, rule, practice or custom.

2. Respondent shall send a second notice of suit, in the form and manner described in subparagraph 1 above:

a. To the consumer at a new address when a new address is secured as a result of the first mailing, or

b. To the consumer in care of his place of employment, if known, when the U.S. Postal Service returns the original notice, indicating inability to make delivery and without an address correction noted thereon. Nothing on the outside of any envelope sent care of such place of employment shall indicate the nature of the contents thereof or that it involves a claimed debt; and the envelope shall have as the return address thereon only a post office box address or a vendor's name.

Provided, however, That respondents shall not send any notice of suit to a consumer in care of his place of employment unless notice has been attempted under 1 and 2(a) above.

It is further ordered, That where respondents bring suit against any consumer for non-payment of any amount claimed to be due on account of a retail purchase by such consumer or extension of credit in connection with such purchase or on account of any contract or security instrument in connection with such purchase, respondent shall not bring suit except in the county where the defendant:

1. resides at the commencement of the action, or

2. signed the contract.

This provision shall not preempt any rule of law further limiting choice of forum.

It is further ordered, That when respondents have received satisfaction or partial satisfaction of a judgment, respondents shall within 10 days of the receipt, execute and file a satisfaction piece or partial satisfaction piece with the Clerk of the Court in which the judgment has been obtained.

It is further ordered, That respondents prepare and mail to all customers who have signed retail installment contracts which are not completely paid up, quarterly statements which shall include the previous balance at the beginning of the quarter, the payments made during the quarter, interest and late charges, if any, and the balance due as the date of mailing.

III

It is ordered, That respondent Lee Kanter, a/k/a Lee Woods, individually and as a former General Manager of New Rapids Carpet Center, Inc., and as an individual doing business as New Rapids Furniture Warehouses, Inc., as a former officer of Charge Account Factors Inc. and a former officer of Charge Account Credit Corp. and respondent's agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose, before the transaction is consummated, as required by Section 226.8(a), the following:

(a) The amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments as required by Section 226.8(b)(4) of Regulation Z.

(b) Identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer as required by Section 226.8(b)(7) of Regulation Z.

(c) The amount of the finance charge, as required by Section 226.8(c)(8)(i) of Regulation Z.

(d) The annual percentage rate, computed in accordance with Section 226.5 of Regulation Z, as required by Section 226.8(b)(2) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by Section 226.8(c)(3) of Regulation Z.

3. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as prescribed by Section 226.8(c)(8)(ii) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with Section 226.4 and Section 226.5 of Regulation Z, at the time and in the manner, form and amount required by Section 226.6, Section 226.7, Section 226.8, Section 226.9 and Section 226.10 of Regulation Z.

IV

It is further understood that nothing contained in this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondent from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to action instituted by municipal or state regulatory agencies.

Nothing in this order shall be construed to imply that any past or future conduct of respondent is subject to and complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit and in the collection of debts, or in any aspect of preparation, creation, or placement of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged, as well as a description of the duties and responsibilities.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-30792 Filed 10-20-77;8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-258]

PART 153—ANTIDUMPING

Antidumping—Pressure Sensitive Plastic Tape Measuring Over One and Three-Eighths Inches in Width and Not Exceeding Four Millimeters in Thickness From Italy

AGENCY: United States Treasury Department.

ACTION: Finding of dumping.

The Secretary of the Treasury makes public a finding of dumping with respect to pressure sensitive plastic tape from Italy. Section 153.46, Customs Regulations, amended.

SUMMARY: This notice is to advise the public that separate investigations conducted under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the U.S. International Trade Commission, respectively, have resulted in determinations that certain pressure sensitive plastic tape from Italy is being, or is likely to be, sold at less than fair value and that these sales are injuring an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: October 21, 1971.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for the determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that pressure sensitive plastic tape measuring over one and three-eighths inches in width and not exceeding four millimeters in thickness from Italy, except that produced and sold by Plasturopa, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of May 31, 1977 (42 FR 27705).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for the determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on August 31, 1977, it notified the Secretary of the Treasury, that an industry in the United States is being injured by reason of the impor-

tation of pressure sensitive plastic tape measuring over one and three-eighths inches in width and not exceeding four millimeters in thickness from Italy that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of September 7, 1977 (42 FR 44853)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to pressure sensitive plastic tape measuring over one and three-eighths inches in width and not exceeding four millimeters in thickness from Italy, except that produced and sold by Plasturopa—SIPA S.à.S., Montemurlo (Florence), Italy.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect.

Merchandise	Country	Treasury decision
Pressure sensitive plastic tape measuring over 1⅜ in in width and not exceeding 4 mm in thickness, except that manufactured and exported by Plasturopa—SIPA S.a.S., Montemurlo (Florence), Italy.	Italy....	77-258

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

OCTOBER 18, 1977.

[FR Doc.77-30769 Filed 10-20-77;8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76N-0053]

PART 155—CANNED VEGETABLES

Canned Green Beans and Canned Wax Beans; Confirmation of Effective Date of Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of revised standards of identity and quality for canned green beans and canned wax beans. The revised standards were published in the FEDERAL REGISTER of June 14, 1977 (42 FR 30358) to provide for a maximum liquid content requirement for vacuum-packed beans and a method for determining the quantity of liquid in the container.

EFFECTIVE DATES: Voluntary compliance may have begun August 15, 1977. Mandatory compliance is required for all products initially introduced into interstate commerce: July 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of June 14, 1977 (42 FR 30358) a final regulation revising the standards of identity and quality (21 CFR 155.120 (a) and (b)) for canned green beans and canned wax beans. No objections were received in response to the final regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that compliance with § 155.120 (a) and (b) promulgated in the FEDERAL REGISTER of June 14, 1977 (42 FR 30358) may have begun August 15, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

Dated: October 12, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.177-30560 Filed 10-20-77;8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application filed by Good-Life Chemicals, Inc., for a tylosin premix to be used for the subsequent manufacture of a complete swine feed for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Good-Life Chemicals, Inc., Good-Life Drive, P.O. Box 687, Effingham, Ill. 62401, filed a new animal drug application (110-045) to provide for safe and effective use of 10 grams of tylosin (as tylosin phosphate) per pound of premix.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Good-Life Chemicals, Inc., Good-Life Drive, P.O. Box 687, Effingham, Ill. 62401	021810
* * * * *	

(2) * * *

Drug listing No.	*Firm name and address*
* * * * *	
021810	Good-Life Chemicals, Inc., Good-Life Drive, P.O. Box 687, Effingham, Ill. 62401.
* * * * *	

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(52) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(52) To 021810: 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This regulation becomes effective on October 21, 1977.

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

Dated: October 13, 1977.

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

[FR Doc.77-30739 Filed 10-20-77;8:45 am]

[4110-03]

SUBCHAPTER F—BIOLOGICS

[Docket No. 77N-0220]

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Smallpox Vaccine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is amending the additional standards for Smallpox Vaccines in 21 CFR 630.75 to change the amount of vaccine sample in final labeled containers required to be submitted to the Director, Bureau of Biologics, for testing and for lot release purposes. This is being done because the amounts required in the regulations and those actually needed for testing have been found to be different. The agency is seeking to eliminate the current wastefulness by promulgating the new amendment.

DATES: Effective October 21, 1977; comments by November 21, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Al Rothschild, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1920.

SUPPLEMENTARY INFORMATION: Under section 351 of the Public Health Service Act, Smallpox Vaccine offered in interstate commerce must be licensed and must comply with applicable standards to insure the continued safety, purity, potency, and effectiveness of the vaccine. Standards for Smallpox Vaccine are prescribed in §§ 630.70 through 630.76 (21 CFR 630.70-630.76) of the regulations for biological products. These regulations require in § 630.75(d) (1) (iv) that a sample from each drying, consisting of no less than the equivalent of 30 milliliters of reconstituted vaccine, packaged in final containers, but in no event less than six filled final containers, be submitted to the Director, Bureau of Biologics, for testing.

The Commissioner of Food and Drugs has reviewed the present requirement and finds that the prescribed volume, type, and number of samples required to be submitted differ from those which are actually used for testing. The Commissioner has determined that the present requirements are wasteful, unnecessarily increase the cost to the Food and Drug Administration in the processing, storing, and disposing of samples, and impose an undue hardship on manufacturers in loss of the product.

Although the current regulations reference a minimum of 6 final containers, the 30-milliliter requirement results in a manufacturer having to submit 120 10-dose vials or 210 25-dose vials. However, only 80 and 90 vials respectively for each of these dosage levels are necessary for Bureau testing. Accordingly, the Commissioner is revising § 630.75 to prescribe an appropriate smaller number of samples in the appropriate volume and types required to be submitted for testing.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 702 et seq.)), and under authority delegated to the Commissioner (21 CFR 5.1), Part 630 is amended in § 630.75 by revising paragraph (d) (1) (iv) and by adding new paragraph (d) (1) (v) to read as follows:

§ 630.75 General requirements.

* * * * *

(d) * * *

(1) * * *

(iv) *For vaccine intended for jet gun* injection, a sample from each drying consisting of no less than eight 100-dose vials or eight 500-dose vials of vaccine in final labeled containers, plus sufficient diluent in final labeled containers to reconstitute the vaccine.

(v) vaccine intended for multiple pressure administration, a sample from each drying consisting of no less than eighty 10-dose vials, ninety 25-dose vials, or eighty 100-dose vials of vaccine in final labeled containers, plus sufficient diluent in final labeled containers to reconstitute the vaccine.

Under the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), the Commissioner concludes that notice, public procedure, and delayed effective date are unnecessary for the amendment of § 630.75 because it does not impose an additional duty or burden on any person but rather relieves unnecessary requirements and clarifies the intent of the regulations.

Effective date. This regulation shall become effective October 21, 1977.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262); (5 U.S.C. 553, 702 et seq.).)

Dated October 7, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-30561 Filed 10-20-77;8:45 am]

[6820-23]

Title 34—Government Management

CHAPTER II—GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

PART 232—FEDERAL ENERGY CONSERVATION

Energy Conservation

Cross reference: For a document which deletes and reserves the provisions of 34 CFR Part 232, see FR Doc. 77-30754 appearing under Title 41 in the Rules and Regulations section of the FEDERAL REGISTER.

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 805-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: San Diego County APCD

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the San Diego County APCD portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: November 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94111, Attn: David R. Souten, 415-556-7288.

SUPPLEMENTARY INFORMATION: On June 3, 1977 (42 FR 28555), EPA published a notice of proposed rulemaking for revisions to the rules and regulations of the San Diego County Air Pollution Control District submitted by the California Air Resources Board on November 10, 1976, and February 10, 1977, for inclusion in the California SIP.

Revisions on rules concerning organic vapor recovery and new source review have been submitted; however, no action is being taken at this time as these rules will be acted upon in separate FEDERAL REGISTER notices.

The State has also submitted rules and regulations for the San Diego County APCD concerning Standards of Perform-

ance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). These regulations implement Sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under Section 110 of the Act. They were, however, reviewed under the appropriate provisions of Sections 111 and 112, and delegation of authority to implement and enforce the standards was made to the State on behalf of the San Diego County APCD on November 8, 1976. The FEDERAL REGISTER notice for this delegation of authority was published on December 15, 1976 (41 FR 54798).

The changes contained in the above mentioned submittals that are acted upon by this notice include the following:

(a) Changes to the definitions for particulate matter and standard conditions so that they will be consistent with EPA's definitions;

(b) Changes of the emission standards from "wet" basis to "dry" basis;

(c) Dropping of obsolete effective dates;

(d) Renumbering of the sections of the State Health and Safety Code referred to in the rules to be conformed with the recodification of the Code; and

(e) Amendment of the rule for controlling nitrogen oxides from fuel-burning equipment to make special allowance for turbine engine testing facilities.

A list of the rules being considered by this action was published as part of the June 3, 1977, notice of proposed rulemaking (42 FR 28555). The proposed rulemaking provided 30 days for public comments. No comments were received.

It is the purpose of this notice to approve all the amendments contained in the November 10, 1976, and February 10, 1977, submittals, with the exception of those rules not being acted upon, and incorporate them into the California SIP.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted regulations as State Implementation Plan revisions.

(Secs. 110, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5 and 1857g(a)).)

Dated: October 17, 1977.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c) is amended as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(35) * * *

(x) San Diego County APCD.

(A) Rules 2(k), 3, 50, 52, 53, 60, 62.

* * * * *

(37) * * *

(ii) San Diego County APCD.

(A) Rule 68.

* * * * *

[FR Doc.77-30698 Filed 10-20-77;8:45 am]

[6560-01]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 807-4; PP 5F1535/R135]

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

Aluminum Phosphide

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

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fumigant phosphine resulting from application of aluminum phosphide. The amendment to the regulations was requested by Research Products Co. This rule establishes a maximum permissible level for residues of phosphine on seed and pod vegetables.

EFFECTIVE DATE: Effective October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr William Miller, Product Manager, (PM) 11, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-9315.

SUPPLEMENTARY INFORMATION: On December 24, 1974, notice was given (39 FR 44487) that Research Products Co., Inc., P.O. Box 1057, 1835 E. North Et. Salina, KS 67401, had filed a pesticide petition (PP5F1535) with the EPA.

This petition proposed that 40 CFR 180.225 be amended to establish a tolerance for negligible residues of the fumigant phosphine from postharvest treatment with aluminum phosphide in or on the raw agricultural commodity group seed and pod vegetables (except soybeans) at 0.01 part per million (ppm). No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the 0.01 ppm tolerance is sought. The toxicological data considered in support of the 0.01 ppm tolerance were acute and subacute inhalation studies on the frog, mouse, rat, guinea pig, rabbit, and cat. No chronic toxicity data for phosphine residues have been reviewed because such studies are considered unnecessary for the following reasons:

1. Attempts to determine an effect level from acute exposure in test animals (100% of food containing residues) were unsuccessful and thus cannot be made.

2. Only extremely small quantities of residues remain on treated food after aeration.

3. The small quantities of residues that remain would be further reduced through routine followup procedures, such as processing and cooking.

No data have been reported in previous petitions nor in this one regarding the transfer of residues resulting from the proposed use to meat, milk, poultry, and eggs. Because phosphine is a highly reactive and fugitive gas, residues of phosphine are not reasonably expected in meat, milk, poultry, and eggs (§ 180.6 (a)(3) applies). An adequate analytical method is available for enforcement purposes. Tolerances have previously been established (40 CFR 180.225) for residues of phosphine on a variety of raw agricultural commodities at 0.1 ppm. No regulatory action is pending against continued registration of phosphine, nor is any additional information needed. An acceptable daily intake cannot be determined for phosphine since a chronic-feeding no-observable effect level for a gas is experimentally impossible to achieve. The tolerance is adequate because of the very low probability of actual exposure to toxicologically significant quantities of phosphine gas from the application of aluminum phosphide.

Thus, it has been determined that the 0.01 ppm tolerance established by amending 40 CFR 180.225 will protect the public health, and it is concluded that the tolerance should be established.

Any person adversely affected by this regulation may, on or before November 21, 1977, file written objections with the Hearing Clerk, EPA, East Tower, Rm. 1019, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both 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 grounds legally sufficient to justify the relief sought.

Effective on October 21, 1977, Part 180 is amended as set forth below.

(Sec. 403(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))

Dated: October 14, 1977.

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

Section 180.225 is revised by adding the new item seed and pod vegetables at 0.01 ppm to read as follows:

§ 180.225 Aluminum phosphide; tolerances for residues.

Tolerances are established for residues of the fumigant phosphine in or on the following raw agricultural commodities from postharvest treatment with aluminum phosphide:

0.1 part per million in or on almonds, barley, Brazil nuts, cashews, cocoa beans, coffee beans, corn, cottonseed, dates, filberts, millet, oats, peanuts, pecans, pis-

tachio nuts, popcorn, rice, rye, sorghum, soybeans, sunflower seed, walnuts, and wheat.

0.1 part per million in or on seed and pod vegetables.

[FR Doc.77-30697 Filed 10-20-77;8:45 am]

[6560-01]

[FRL 807-2;PP 6E1761/R137]

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

Chlorothalonil

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

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of chlorothalonil. The amendment to the regulations was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of chlorothalonil on papayas.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow. Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C., 202-755-2516.

SUPPLEMENTARY INFORMATION: On August 12, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 40922) in response to a pesticide petition (PP 6E1761) submitted to the Agency by the Interregional Research Project No. 4. This petition proposed that 40 CFR 180.-275 be amended by the establishment of a tolerance for residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity papayas at 15 parts per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice or proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.-275 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before November 21, 1977, file written objections with the Hearing Clerk, EPA, Rm. 1019, East Tower, 401 M St., 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 October 21, 1977, Part 180, Subpart C, § 180.275 is amended by adding a tolerance for residues of chlorothalonil on papayas at 15 ppm and by editorially revising the section into a tabular alphabetized listing as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: October 14, 1977.

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

Part 180, Subpart C, § 180.275 is revised by adding a tolerance for combined residues of chlorothalonil and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile, in or on papayas at 15 ppm and by editorially reformatting the section into a tabular alphabetized listing, to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

Tolerances are established for combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following raw agricultural commodities:

Commodity:	Parts per million
Beans, snap	5
Broccoli	5
Brussels sprouts	5
Cabbage	5
Carrots	1
Cauliflower	5
Celery	15
Corn, sweet (K+CWHR)	1
Cucumbers	5
Melons	5
Onions, dry bulb	0.5
Onions, green	5
Papayas	15
Passion fruit	3
Peanuts	0.3
Potatoes	0.1
Pumpkins	5
Squash, summer	5
Squash, winter	5
Tomatoes	5

[FR Doc.77-30685 Filed 10-20-77;8:45 am]

[6560-01]

[FRL 807-3; OPP-300012B]

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

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations; Correction

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

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 47204 in the FEDERAL REGISTER of Tuesday, September 20, 1977 (FR Doc. 77-26759).

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-426-2680.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-26759, appearing at page 47204 in the issue of Tuesday, September 20, 1977, the section numbers "180.1035", "180.1036", and "180.1037" are respectively changed to "180.1036", "180.1037", and "180.1038".

Dated: October 13, 1977.

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

[FR Doc.77-30686 Filed 10-20-77;8:45 am]

[6560-01]

SUBCHAPTER I—OFFICE OF SOLID WASTE

[FRL 802-4]

PART 254—PRIOR NOTICE OF CITIZEN SUITS

AGENCY: Environmental Protection Agency.

ACTION: Final regulations.

SUMMARY: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, authorizes suits by private citizens to enforce the Act. These suits may be brought where there is alleged to be a violation by any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) of any permit, standard, regulation, condition, requirement, or order which has become effective under the Act, or a failure of the Administrator to perform any act or duty under the Act which is not discretionary with the Administrator. These actions are to be filed in accordance with the rules of the district court in which the action is instituted.

The Act further requires that certain notification requirements must be met before any action may be commenced. These regulations outline the procedures to be followed and prescribe the information to be contained in the notices.

EFFECTIVE DATE: November 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Jeffrey L. Hilliker, EPA, OSW, Management and Information Staff (WH-462), 401 M Street SW., Washington, D.C. 20460, 202-755-9173.

SUPPLEMENTARY INFORMATION: On page 37214 of the FEDERAL REGISTER of July 20, 1977, the Environmental Protection Agency published proposed regulations for section 7002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of

1976 (40 CFR Part 254). These regulations are intended to advise prospective litigants of the procedures to be followed in notifying alleged violators of any of the provisions of the Act. The notification requirements of section 7002 are intended to provide alleged violators a time period within which to rectify any violations of the Act so they may avoid litigation if at all possible.

The three comments which were received advocated either additional language or revision of existing language. As discussed below, two of these suggestions were rejected as requiring too stringent a notification procedure and the third was adopted due to its clarifying nature.

DISCUSSION OF COMMENTS

One commenter requested that the words "site manager" be substituted for the words "managing agent" in § 254.2 (1), line 6. Since this phrase is more descriptive of the individual to whom notice should be delivered than the proposed language, the recommended change was made.

The same commenter further requested that a new § 254.4(a) be added as follows:

(a) With respect to any notice sent pursuant to §§ 254.2(a)(2) and 254.2(3) a copy of that notice shall also be mailed to the private individual(s) or corporation(s) named in or affected by the notice, or alleged in such notice to be responsible for any violation.

This suggestion was rejected for the reason that it would be unduly burdensome to require a complainant under section 7002 of the Act to determine all persons who might be affected by an alleged violation of the Act, and to notify them.

A second commenter suggested that the following words be inserted in § 254.3(a):

the exact nature of the activity alleged to constitute a violation, *the information and/or data upon which the allegation is based,* * * *

The insertion of the first phrase was rejected because the proposed wording of this section already requires the complainant to divulge sufficient information to the alleged violator to identify the activity alleged to constitute the violation. The insertion of the second phrase was rejected because the procedures required by these regulations merely constitute preliminary notification of an intent to sue. If and when a suit is actually filed, facts of a more specific nature such as the information and/or data upon which the allegation is based will be required to be alleged under the Federal Rules of Civil Procedure. Such formal requirements, however, should not attach until the district court obtains jurisdiction over the matter.

Accordingly, 40 CFR Chapter I is amended by adding a new Part 254, reading as follows:

Sec.
254.1 Purpose.
254.2 Service of notice.
254.3 Contents of notice.

AUTHORITY: Sec. 7002, Pub. L. 94-580, 90 Stat. 2825 (42 U.S.C. 6972).

§ 254.1 Purpose.

Section 7002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, authorizes suit by any person to enforce the Act. These suits may be brought where there is alleged to be a violation by any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) of any permit, standard, regulation, condition, requirement, or order which has become effective under the Act, or a failure of the Administrator to perform any act or duty under the Act, which is not discretionary with the Administrator. These actions are to be filed in accordance with the rules of the district court in which the action is instituted. The purpose of this part is to prescribe procedures governing the notice requirements of subsections (b) and (c) of Section 7002 as a prerequisite to the commencement of such actions.

§ 254.2 Service of notice.

(a) Notice of intent to file suit under subsection 7002(a)(1) of the Act shall be served upon an alleged violator of any permit, standard, regulation, condition, requirement, or order which has become effective under this Act in the following manner:

(1) If the alleged violator is a private individual or corporation, service of notice shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the owner or site manager of the building, plant, installation, or facility alleged to be in violation. A copy of the notice shall be mailed to the Administrator of the Environmental Protection Agency, the Regional Administrator of the Environmental Protection Agency for the region in which the violation is alleged to have occurred, and the chief administrative officer of the solid waste management agency for the State in which the violation is alleged to have occurred. If the alleged violator is a corporation, a copy of the notice shall also be mailed to the registered agent, if any, of that corporation in the State in which such violation is alleged to have occurred.

(2) If the alleged violator is a State or local agency, service of notice shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the head of that agency. A copy of the notice shall be mailed to the chief administrator of the solid waste management agency for the State in which the violation is alleged to have occurred, the Administrator of the Environmental Protection Agency, and the Regional Administrator of the Environmental Protection Agency for the region in which the violation is alleged to have occurred.

(3) If the alleged violator is a Federal agency, service of notice shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the head of the agency. A copy of the notice shall be mailed to the Administrator of the Environmental Protection Agency, the Regional Administrator of the Environmental Protection Agency for the region in which the violation is alleged to have occurred, the Attorney General of the United States, and the chief administrative officer of the solid waste management agency for the State in which the violation is alleged to have occurred.

(b) Service of notice of intent to file suit under subsection 7002(a)(2) of the Act shall be accomplished by registered mail, return receipt requested, addressed to, or by personal service upon, the Administrator, Environmental Protection Agency, Washington, D.C. 20460. A copy of the notice shall be mailed to the Attorney General of the United States.

(c) Notice given in accordance with the provisions of this part shall be considered to have been served on the date of receipt. If service was accomplished by mail, the date of receipt will be considered to be the date noted on the return receipt card.

§ 254.3 Contents of notice.

(a) *Violation of permit, standard, regulation, condition, requirement, or order.* Notice regarding an alleged violation of a permit, standard, regulation, condition, requirement, or order which has become effective under this Act shall include sufficient information to permit the recipient to identify the specific permit, standard, regulation, condition, requirement, or order which has allegedly been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the date or dates of the violation, and the full name, address, and telephone number of the person giving notice.

(b) *Failure to act.* Notice regarding an alleged failure of the Administrator to perform an act or duty which is not discretionary under the Act shall identify the provisions of the Act which require such act or create such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform the act or duty, and shall state the full name, address, and telephone number of the person giving the notice.

(c) *Identification of counsel.* The notice shall state the name, address, and telephone number of the legal counsel, if any, representing the person giving the notice.

Dated: October 17, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-30718 Filed 10-20-77;8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 184]

PART 1-10—BONDS AND INSURANCE

PART 1-16—PROCUREMENT FORMS

Use of Reinsurance Agreements in Connection With Bond Forms

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) prescribes three new forms for use in connection with reinsurance agreements and provides that surety companies may enter into reinsurance agreements, as well as coinsurance agreements, where Miller Act bonds are involved. A legal opinion by the Office of General Counsel, Department of the Treasury, which reversed an earlier opinion now permits surety companies to employ reinsurance agreements as a means of sharing the risk on performance or payment bonds under the Miller Act, as amended (40 U.S.C. 270a-270e). The amendment and the revised Department of the Treasury regulations (see 41 FR 10605, March 12, 1976), permit all or a portion of the penal sum of performance and payment bonds to be reinsured by the direct writing company with a reinsuring company.

EFFECTIVE DATE: This amendment is effective February 28, 1978, but may be observed as soon as copies of the forms prescribed herein are available.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

SUPPLEMENTARY INFORMATION: It is anticipated that copies of the forms will be available for use by February 28, 1978, and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

Subpart 1-10.1—Bonds

1. Section 1-10.102-1 is revised, as follows:

§ 1-10.102-1 Bond.

"Bond" means a written instrument executed by a bidder or contractor, identified in the instrument as the "principal," together with a third party, identified in the instrument as the "surety," to secure fulfillment by the bidder or contractor of his obligations as set out in the bond and, in the event of his failure so to do, to assure payment of any loss sustained by the party for whose protection the bond (including any necessary coinsurance or reinsurance agreements) was furnished, to the extent provided in the bond.

2. Section 1-10.103-3(a)(2) is revised, as follows:

§ 1-10.103-3 Invitation for bids provisions.

(a) * * *

(2) The following provision (modified, if appropriate, in accordance with paragraph (b) of this § 1-10.103-3).

BID GUARANTEE

(a) Where a bid guarantee is required by the invitation for bids, failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

(b) A bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, certain bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (1) to unsuccessful bidders as soon as practicable after the opening of bids and (2) to the successful bidder upon execution of such further contractual documents and bonds (including any necessary coinsurance or reinsurance agreements) as may be required by the bid as accepted.

(c) If the successful bidder, upon acceptance of his bid by the Government within the period specified therein for acceptance (60 days if no period is specified) fails to execute such further contractual documents, if any, and give such bond(s) (including any necessary coinsurance or reinsurance agreements) as may be required by the terms of the bid as accepted within the time specified (10 days if no period is specified) after receipt of the forms by him, his contract may be terminated for default. In such event he shall be liable for any cost of procuring the work which exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

* * * * *

3. Section 1-10.104-1 is amended, as follows:

§ 1-10.104-1 Construction contracts.

* * * * *

(b) The penal amount of a performance bond generally shall be equal to 100 percent of the contract price at the time of award. However, if the contracting officer finds that a lesser amount would be adequate for the protection of the Government, he may prescribe an amount which is less than 100 percent of the contract price. The problem of the availability of adequate surety credit on large contracts may be resolved through the use of coinsurance or reinsurance agreements (see § 1-10.202).

* * * * *

(d) When a performance bond (including any necessary reinsurance agreements) is not furnished within the period specified by the terms of the contract, the contract may be terminated for default when deemed to be in the public interest (see §§ 1-10.103-3(a)(2) and 1-18.803-5).

* * * * *

4. Section 1-10.105-1 is amended by revising paragraphs (c) and (d), as follows:

§ 1-10.105-1 Construction contracts.

* * * * *

(c) When a successful bidder will be required to furnish a payment bond, the invitation for bids shall so state and shall specify the penal amount of the bond (in a fixed sum or in terms of a percent of the contract price). In instances where the surety credit which is available may be insufficient, surety credit sufficient to meet the statutorily required amount may be provided through the use of coinsurance or reinsurance agreements (see § 1-10.202).

(d) When a payment bond (including any necessary reinsurance agreements) is not furnished within the period specified by the terms of the contract, the contract may be terminated for default when deemed to be in the public interest (see §§ 1-10.103-3(a)(2) and 1-18.803-5).

* * * * *

Subpart 1-10.2—Sureties on Bonds

5. Section 1-10.202 is amended, as follows:

§ 1-10.202 Corporate sureties.

(a) In connection with contracts for supplies or services (including construction) to be delivered or performed in the United States, the Commonwealth of Puerto Rico, and the Virgin Islands, any corporate surety offered for a bond furnished the Government must appear on the list contained in the Department of the Treasury Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies." If the penal amount of a bond exceeds a surety's underwriting limit specified in the Department of the Treasury Circular, the bond will be acceptable only if the excess over the specified limit is coinsured or reinsured and the amount of such coinsurance or reinsurance does not exceed the underwriting limit of each coinsurer or reinsurer. Coinsurance or reinsurance agreements shall conform to the Department of the Treasury Regulations as set forth in 31 CFR 223.10 and 223.11. Where reinsurance is contemplated, the procuring activity generally will require reinsurance agreements to be executed and submitted with the bonds before making a final determination on the bonds. When specified on the bid form (Standard Form 21, Bid Form (Construction Contract)), the procuring activity may accept a bond from the direct writing company in satisfaction of the total bond requirement of the contract, even though it may exceed the insurer's underwriting limitation, until necessary reinsurance agreements have been executed. However, necessary reinsurance agreements must be executed and submitted to the procuring activity within the time specified on the bid form (not to exceed 45 calendar days after the execution of the bond). Standard Form 273, Reinsurance Agreement for a Miller Act Performance Bond, and Standard Form 274, Reinsurance Agreement for a Miller Act Payment Bond, shall be used when reinsurance is furnished in connection with Miller Act bonds. Standard Form 275, Reinsurance Agreement in Favor of the United States, shall be used when reinsurance is furnished in connection with bonds for other purposes.

* * * * *

(d) The Department of the Treasury Circular 570 may be obtained from the U.S. Treasury Department, Bureau of Government Financial Operation, Audit Staff, Washington, D.C. 20226.

6. The table of contents for Part 1-16 is amended to add new entries, as follows:

Sec.
1-16.901-273 Standard Form 273, Reinsurance Agreement for a Miller Act Performance Bond.
1-16.901-274 Standard Form 274, Reinsurance Agreement for a Miller Act Payment Bond.
1-16.901-275 Standard Form 275, Reinsurance Agreement in Favor of the United States.

Subpart 1-16.4—Forms for Advertised Construction Contracts

7. Section 1-16.401 (e) and (f) are revised, as follows:

§ 1-16.401 Forms prescribed.

* * * * *

(e) Bid Form (Construction Contract) (Standard Form 21, December 1965 edition). Pending the publication of a new edition of the form, page 2 of the form shall be modified by inserting after the words "* * * and sufficient surety," the following:

The undersigned further agrees that, when reinsurance agreements are contemplated, all necessary reinsurance agreements will be on Government forms and will be executed and submitted with the bonds. However, when an additional period of ____ days (not to exceed 45 calendar days) is authorized by the procuring activity, reinsurance agreements may be submitted within such period after the execution of the bond.

(f) Instructions to Bidders (Construction Contract) (Standard Form 22, October 1969 edition). Pending the publication of a new edition of the form, the Bid Guarantee provision prescribed by § 1-10.103-3 shall be substituted for the Bid Guarantee provision in Article 4; the Late Bids, Modifications of Bids, or Withdrawals of Bids provision prescribed by § 1-2.201(a)(31) shall be substituted for the Late Bids and Modifications or Withdrawals provision in Article 7 whenever the form is used in the procurement of construction by formal advertising; and the Late Proposals, Modifications of Proposals, and Withdrawals of Proposals provision prescribed by § 1-3.802-1(a) or the Late Proposals, Modifications of Proposals, and Withdrawals of Proposals provision prescribed by § 1-3.802-2(b) (when authorized by the head of the agency) shall be substituted for the Late Bids and Modifications or Withdrawals provision in Article 7 whenever the form is used in procurement by negotiation.

* * * * *

Subpart 1-16.8—Miscellaneous Forms

8. Section 1-16.801 is amended by adding paragraphs (a)(8), (9) and (10) as follows:

§ 1-16.801 Bond forms.

(a) * * *

(8) Reinsurance Agreement for a Miller Act Performance Bond (Standard Form 273, August 1977 edition).

(9) Reinsurance Agreement for a Miller Act Payment Bond (Standard Form 274, August 1977 edition).

(10) Reinsurance Agreement in Favor of the United States (Standard Form 275, August 1977 edition).

* * * * *

Subpart 1-16.9—Illustrations of Forms

9. Sections 1-16.901-273, 1-16.901-274, and 1-16.901-275 are added to illustrate Standard Forms 273, 274, and 275, as follows:

§ 1-16.901-273 Standard Form 273, Reinsurance Agreement for a Miller Act Performance Bond.

(a) Page 1 of Standard Form 273.

REINSURANCE AGREEMENT FOR A MILLER ACT PERFORMANCE BOND
(See Instructions on Reverse)

1. DIRECT WRITING COMPANY*	1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF CONTRACT		4. DESCRIPTION OF BOND	
3A. AMOUNT OF CONTRACT		4A. PENAL SUM OF BOND	
3B. CONTRACT DATE	3C. CONTRACT NO	4B. DATE OF BOND	4C. BOND NO
3D. DESCRIPTION OF CONTRACT		4D. PRINCIPAL*	
3E. CONTRACTING AGENCY		4E. STATE OF INCORPORATION (If Corporate Principal)	

SPECIMEN

AGREEMENT:

WHEREAS the above named Direct Writing Company has become bound as surety unto the United States of America on the above described performance bond, wherein the above described is principal, for the protection of the United States on the above described contract, which contract is for the construction, alteration, or repair of a public building or public work of the United States, and WHEREAS the said performance bond was furnished to the United States pursuant to the Act of August 24, 1935, as amended (40 U.S.C. 270a-270e), known as the Miller Act, and WHEREAS the Direct Writing Company has applied to the above named Reinsuring Company to be reinsured and contributed in the amount set forth opposite the name of the Reinsuring Company (there referred to as the "Amount of this Reinsurance"), or for a lesser amount less than the "Amount of this Reinsurance" the Direct Writing Company may become liable to pay under or by virtue of the said performance bond.

NOW THEREFORE, in consideration of a sum mutually agreed upon, paid by the Direct Writing Company to the Reinsuring Company, the receipt whereof is hereby acknowledged, the parties to this Agreement hereby covenant and agree to the terms and conditions set forth herein.

TERMS AND CONDITIONS AGREED TO:

IT IS THE PURPOSE AND INTENT HEREOF to guarantee and indemnify the United States against loss under the said performance bond to the extent of the "Amount of this Reinsurance," or any sum less than the "Amount of this Reinsurance" that may be owing and unpaid by the Direct Writing Company to the United States under said performance bond.

THEREFORE:

1. In the event of the Direct Writing Company's failure to pay any default under said performance bond equal to or in excess of the "Amount of this Reinsurance," the Reinsuring Company hereby covenants and agrees to pay to the United States, the obligee on said performance bond, the "Amount of this Reinsurance." In the case of the failure of the Direct Writing Company to pay to the United States any default for a sum less than the "Amount of this Reinsurance," the Reinsuring Company hereby covenants and agrees to pay to the United States the full amount of such default, or so much thereof as shall not be paid to the United States by the Direct Writing Company.

2. In the event of default on said performance bond for the "Amount of this Reinsurance," or more, the Reinsuring Company

(over)

*Items 1, 2, 4D—Furnish legal name, business address and ZIP Code

273-101

STANDARD FORM 273 (2-77)
Prescribed by GSA, FPR (41 CFR) 1-16.801

(b) Page 2 of Standard Form 273.

and the Direct Writing Company hereby covenant and agree that the United States may bring suit against the Reinsuring Company for the "Amount of this Reinsurance" or, in case the amount of the default is for less than the "Amount of this Reinsurance," for whatever the full amount of the default may be.

IN WITNESS WHEREOF, the Direct Writing Company and the Reinsuring Company, respectively, have caused this Agreement to be signed and impressed with their respective corporate seals by officers possessing power to sign such instruments, and to be duly attested by officers empowered thereto, on the day and date above written opposite their respective names

5. DIRECT WRITING COMPANY		
5A. (1) SIGNATURE	(2) ATTEST: SIGNATURE	CORPORATE SEAL
5B. (1) NAME AND TITLE (Typed)	(2) NAME AND TITLE (Typed)	
6. REINSURING COMPANY		
6A. (1) SIGNATURE	(2) ATTEST: SIGNATURE	CORPORATE SEAL
6B. (1) NAME AND TITLE (Typed)	(2) NAME AND TITLE (Typed)	

SPECIMEN

INSTRUCTIONS: This Standard Form 273 is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of coinsurance on Miller Act performance bonds running to the United States. See 41 CFR 1-10.202 and 1-16.801

This form should be executed and filed as follows:

Original and copies as specified by the bond-approving officer, signed and sealed, shall be filed with the bond or within the time period set forth in the bid or proposal.

One carbon copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filed with the Department of the Treasury.

Other copies may be prepared for the use of the Direct Writing Company and the Reinsuring Company A separate form should be used for each Reinsuring Company

§ 1-16.901-274 Standard Form 274, Reinsurance Agreement for a Miller Act Payment Bond.

(a) Page 1 of Standard Form 274.

REINSURANCE AGREEMENT FOR A MILLER ACT PAYMENT BOND

(See Instructions on Reverse)

1. DIRECT WRITING COMPANY*	*1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF CONTRACT		4. DESCRIPTION OF BOND	
3A. AMOUNT OF CONTRACT		4A. PENAL SUM OF BOND	
3B. CONTRACT DATE	3C. CONTRACT NO	4B. DATE OF BOND	4C. BOND NO
3D. DESCRIPTION OF CONTRACT		4D. PRINCIPAL*	
3E. CONTRACTING AGENCY		4E. STATE OF INCORPORATION (If Corporate Principal)	

SPECIMEN

AGREEMENT:

WHEREAS the above named Direct Writing Company has become bound as surety on the above described payment bond, wherein the above described is principal, for the protection of all persons supplying labor and material on the above described contract, which contract is for the construction, alteration, or repair of a public building or public work of the United States, said bond being for the use of each such person; and WHEREAS the said payment bond was furnished to the United States pursuant to the Act of August 24, 1935, as amended (40 U.S.C. 270a-270e), known as the Miller Act; and WHEREAS the Direct Writing Company has applied to the above named Reinsuring Company to be reinsured and countersecured in the amount set forth opposite the name of the Reinsuring Company (herein referred to as "Amount of this Reinsurance"), or for whatever amount less than the "Amount of this Reinsurance" the Direct Writing Company may become liable to pay under or by virtue of the said payment bond.

NOW, THEREFORE, in consideration of a sum mutually agreed upon, paid by the Direct Writing Company to the Reinsuring Company, the receipt whereof is hereby acknowledged, the parties to this Agreement hereby covenant and agree to the terms and conditions set forth herein

TERMS AND CONDITIONS AGREED TO:

IT IS THE PURPOSE AND INTENT HEREOF to guarantee and indemnify the persons who have furnished or supplied labor or material in the prosecution of the work provided for in the contract referred to above (hereinafter referred to as "laborers and materialmen," the term "materialmen" including persons having a direct contractual relation with a subcontractor but no contractual relationship express or implied with the contractor who has furnished the said payment bond) against loss under the said payment bond to the extent of the "Amount of this Reinsurance," or for any sum less than the "Amount of this Reinsurance," that may be owing and unpaid by the Direct Writing Company to the "laborers and materialmen" on said payment bond, and to make the said "laborers and materialmen" obligees under this Reinsurance Agreement to the same extent as if their respective names were written herein

THEREFORE:

1 The Reinsuring Company hereby covenants and agrees.

a To pay the "Amount of this Reinsurance" to the said "laborers and materialmen" in the event of the Direct Writing Company's failure to pay to the said "laborers and materialmen" any default under said payment bond equal to or in excess of the "Amount of this Reinsurance" and

(over)

*Items 1, 2, 4D. Furnish legal name, business address and ZIP Code

(b) Page 2 of Standard Form 274.

b. To pay the full amount due to the said "laborers and materialmen," or so much as shall not be paid to them by the Direct Writing Company; in case the Direct Writing Company fails to pay to the said "laborers or materialmen" any default under said payment bond less than the "Amount of this Reinsurance."

2. The Reinsuring Company and the Direct Writing Company hereby covenant and agree that, in the case of default on said payment bond for the "Amount of this Reinsurance," or more, the persons given a "right of action" or a "right to sue" on said payment bond by section 2(a) of the Miller Act (40 U.S.C. 270b(a)) may bring suit against the Reinsuring Company in the United States District Court for the district in which the contract described above is to be performed and executed for the "Amount of this Reinsurance," or, if the amount of the default is for less than the "Amount of this Reinsurance," for whatever the full amount of the default may be. In furtherance of the foregoing, the Reinsuring Company hereby further covenants and agrees to comply with all requirements necessary to give such court jurisdiction, and to consent to determination of all matters arising under this Reinsurance Agreement in accord with the law and practice of such court. It is expressly understood by the parties hereto that the rights, powers, and privileges given in this paragraph to persons given a "right of action" or a "right to sue" are in addition to or supplemental to or in accordance with other rights, powers, and privileges which they might have under the statutes of the United States, any States, or the other laws of either, and should not be construed as limitations.

3. The Reinsuring Company and the Direct Writing Company further covenant and agree that the Reinsuring Company hereby designates the process agent, appointed by the Direct Writing Company in the district in which the above mentioned contract is to be performed and executed, as an agent to accept service of process in any suit instituted on this Reinsurance Agreement, and that such process agent shall send, by registered mail, to the Reinsuring Company at its principal place of business mentioned above, a copy of such process.

4. The Reinsuring Company and the Direct Writing Company hereby further covenant and agree that this Reinsurance Agreement is an integral part of the said payment bond.

IN WITNESS WHEREOF, the Direct Writing Company and the Reinsuring Company, respectively, have caused this Agreement to be signed and impressed with their respective corporate seals by officers possessing the power to sign such instruments, and to be duly attested to by officers empowered thereto, on the day and date above written opposite their respective names.

5. DIRECT WRITING COMPANY		
5A. (1) SIGNATURE	(2) ATTEST SIGNATURE	CORPORATE SEAL
5B. (1) NAME AND TITLE (Typed)	(2) NAME AND TITLE (Typed)	

6. REINSURING COMPANY		
6A. (1) SIGNATURE	(2) ATTEST SIGNATURE	CORPORATE SEAL
6B. (1) NAME AND TITLE (Typed)	(2) NAME AND TITLE (Typed)	

SPECIMEN

INSTRUCTIONS: This Standard Form 274 is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of co-insurance on Miller Act payment bonds running to the United States. See 41 CFR 1-10.202 and 1-16.901.

This form should be executed and filed as follows:

Original and copies as specified by the bond approving officer, signed and sealed, shall be filed with the bond or within the time period set forth in the bond or proposal.

One carbon copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filed with the Department of the Treasury.

Other copies may be prepared for the use of the Direct Writing Company and the Reinsuring Company. A separate form should be used for each Reinsuring Company.

§ 1-16.901-275 Standard Form 275, Reinsurance Agreement in Favor of the United States.

(a) Page 1 of Standard Form 275.

REINSURANCE AGREEMENT IN FAVOR OF THE UNITED STATES
(See Instructions on Reverse)

1. DIRECT WRITING COMPANY*	1A. DATE DIRECT WRITING COMPANY EXECUTES THIS AGREEMENT
	1B. STATE OF INCORPORATION
2. REINSURING COMPANY*	2A. AMOUNT OF THIS REINSURANCE
	2B. DATE REINSURING COMPANY EXECUTES THIS AGREEMENT
	2C. STATE OF INCORPORATION

3. DESCRIPTION OF BOND

3A. DESCRIPTION OF BOND (*Type, purpose, etc.*) (*If associated with contract give contract number, date, amount, etc., include name of Government agency involved.*)	3B. PENAL SUM OF BOND	
	3C. DATE OF BOND	3D. BOND NO.
	3E. PRINCIPAL*	
	3F. STATE OF INCORPORATION (*If Corporate Principal*)	

SPECIMEN

AGREEMENT:

WHEREAS the above named Direct Writing Company has become bound as surety unto the United States of America, on the above described bond, wherein the above named is principal; and WHEREAS the said bond was given for the protection of the United States, and WHEREAS the Direct Writing Company has applied to the above Reinsuring Company to be reinsured and co-insured in the amount set forth opposite the name of the Reinsuring Company (herein referred to as the "Amount of this Reinsurance"), or for whatever amount less than the "Amount of this Reinsurance" the Direct Writing Company may become liable to pay under or by virtue of the said bond.

NOW, THEREFORE, in consideration of a sum mutually agreed upon, paid by the Direct Writing Company to the Reinsuring Company, the receipt whereof is hereby acknowledged, the parties to this Agreement hereby covenant and agree to the terms and conditions set forth herein.

TERMS AND CONDITIONS AGREED TO:

IT IS THE PURPOSE AND INTENT HEREOF to guarantee and indemnify the United States against loss under the aforesaid bond to the extent of the "Amount of this Reinsurance," or for any lesser sum than the "Amount of this Reinsurance," that may be owing and unpaid by the Direct Writing Company to the United States.

THEREFORE:

1. In the event of the Direct Writing Company's failure to pay any default under said bond equal to or in excess of the "Amount of this Reinsurance," the Reinsuring Company hereby covenants and agrees to pay to the United States, the obligee on said bond, the "Amount of this Reinsurance." In case of the failure of the Direct Writing Company to pay to the United States any default for a sum less than the "Amount of this Reinsurance," the Reinsuring Company hereby covenants and agrees to pay to the United States the full amount of such default, or so much thereof as shall not be paid to the United States by the Direct Writing Company.

2. The Reinsuring Company further covenants and agrees that in case of default on said bond for the "Amount of this Reinsurance," or more, the Reinsuring Company may be sued by the United States for the "Amount of this Reinsurance" or for whatever the amount of the default may be less than the "Amount of this Reinsurance."

IN WITNESS WHEREOF, the Direct Writing Company and the Reinsuring Company, respectively, have caused this Agreement to be signed and impressed with their respective corporate seals by officers possessing power to sign such instruments, and to be duly attested to by officers empowered thereto, on the day and date above written opposite their respective names.

*Items 1, 2, 3e—Furnish Legal Name, Business Address and Zip Code

(b) Page 2 of Standard Form 275.

4. DIRECT WRITING COMPANY		
4A. (1) SIGNATURE	(2) ATTEST: SIGNATURE	CORPORATE SEAL
4B. (1) NAME AND TITLE (Typed)	(2) NAME AND TITLE (Typed)	
5. REINSURING COMPANY		
5A. (1) SIGNATURE	(2) ATTEST: SIGNATURE	CORPORATE SEAL
5B. (1) NAME AND TITLE (Typed)	(2) NAME AND TITLE (Typed)	

SPECIMEN

INSTRUCTIONS: This Standard Form 275 is to be used in cases where it is desired to cover the excess of a Direct Writing Company's underwriting limitation by reinsurance instead of coinsurance on bonds running to the United States except Miller Act Performance and Payment Bonds. See 41 CFR 1-10.202 and 1-16.801. If this form is used to reinsure a bid bond, the "Penal Sum of Bond" and "Amount of this Reinsurance" may be expressed as a percentage of the bid provided the actual amounts will not exceed the companies' respective underwriting limitations.

This form should be executed and filed as follows:

Original and copies as specified by the bond-approving officer, signed and sealed, shall be filed with the bond or within the time period set forth in the bid or proposal.

One carbon copy, signed and sealed, shall accompany the Direct Writing Company's quarterly Schedule of Excess Risks filed with the Department of the Treasury.

Other copies may be prepared for the use of the Direct Writing Company and the Reinsuring Company. A separate form should be used for each Reinsuring Company.

U.S. GOVERNMENT PRINTING OFFICE 1977—O-240-463 #101 STANDARD FORM 275 BACK (8-77)

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

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

Dated: October 7, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-30722 Filed 10-20-77;8:45 am]

[6820-26]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amdt. B-37]

PART 101-11—RECORDS MANAGEMENT

Program Evaluation Provisions

AGENCY: National Archives and Records Services, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation updates GSA's authority to conduct inspections and studies of Federal agencies' records management programs and practices. These changes are necessary for GSA to comply with a public law concerning Federal records management. The intended effect of these regulations is to clarify GSA's authority and responsibilities for conducting these inspections and studies.

EFFECTIVE DATE: This regulation is effective October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

John H. Gant, Program Evaluation Division, Office of Records Management, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202-376-8803.

SUPPLEMENTARY INFORMATION: Subpart 101-11.1 is changed to update the authority to conduct agency program evaluations under the provisions of Pub. L. 94-575. Annual reports on agency program evaluations to the Congress and the Office of Management and Budget are now mandatory. Guidelines for inspection of records subject to the Privacy Act in agency program evaluations are outlined. NARS agency evaluation review and followup procedures are documented. Interagency program evaluations and studies authority is added.

The table of contents for Part 101-11 is amended by adding or revising the following entries:

Sec.
101-11.101-4 Reports to the Congress and the Director of the Office of Management and Budget.
101-11.101-5 Inspection of records subject to the Privacy Act of 1974.
101-11.103-4 Agency evaluation review and followup procedures.
101-11.104 Interagency program evaluations and studies.

Subpart 101-11.1—Federal Records; General

1. Section 101-11.101-4 is revised as follows:

§ 101-11.101-4 Reports to the Congress and the Director of the Office of Management and Budget.

Section 2904 of title 44, United States Code (the Federal Records Management Amendments of 1976) requires the Administrator of General Services to report to the Congress and to the Director of the Office of Management and Budget annually on the results of records management activities, including evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by GSA (44 U.S.C. 2904(10)).

2. Section 101-11.101.5 is added as follows:

§ 101-11.101-5 Inspection of records subject to the Privacy Act of 1974.

Section 2906 of title 44, United States Code (the Federal Records Management Amendments of 1976) provides that when the Administrator or his designee inspects an agency record which is contained in a system of records subject to Section 552a of title 5, United States Code (the Privacy Act of 1974) the records shall be (a) maintained by the Administrator or his designee as a record contained in a system of records or (b) considered to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of Section 552a of title 5, United States Code.

3. Section 101-11.103-1 is revised as follows:

§ 101-11.103-1 *Authority.*

(a) Section 2906 of title 44, United States Code (the Federal Records Management Amendments of 1976) authorizes the Administrator of General Services or his designee to inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs.

(b) Section 2904 of title 44, United States Code (the Federal Records Management Amendments of 1976) requires the Administrator of General Services to report annually to the Congress and to the Director of the Office of Management and Budget on evaluations of responses by Federal agencies to inspections recommendations. (See § 101-11.101-4.)

4. Section 101-11.103-2 is amended as follows:

§ 101–11.103–2 Evaluation by National Archives and Records Service.

* * * * *

(a) Determine agency compliance with the provisions of the Records Disposal Act, as amended, and the Federal Records Act of 1950, as amended.

(b) Determine agency compliance with the regulations set forth in this Subpart 101–11.1.

(c) Evaluate the effectiveness of agency records management programs and practices.

5. Section 101–11.103–4 is added as follows:

§ 101–11.103–4 Agency evaluation review and followup procedures.

(a) A Federal agency has a maximum of 60 calendar days to comment on the factual content of a draft evaluation report.

(b) A Federal agency shall submit an action plan to the Archivist of the United States implementing the recommendations in an evaluation report not later than 90 calendar days after the date of transmittal of the final report to the agency head. The agency action plan shall include:

(1) Specific action(s) the agency plans to take on each evaluation report recommendation. If an agency does not plan to implement a recommendation, the rationale for not acting shall be documented in the action plan; and

(2) Proposed month and year for completing each planned action.

(c) A Federal agency shall submit an action plan implementation progress report every 6 months to the Archivist of the United States until the agency action plan is implemented. Interagency report control number 0153–GSA–AR has been assigned to this report in accordance with Subpart 101–11.11.

(d) The National Archives and Records Service (NARS) will:

(1) Analyze the adequacy of the agency action plan to implement recommendations contained in the evaluation report;

(2) Provide comments to the agency on the plan within 60 calendar days; and

(3) Notify an agency when progress reports are no longer required.

6. Section 101–11.104 is added as follows:

§ 101–11.104 Interagency program evaluations and studies.

Section 2904 of itle 44, United States Code (the Federal Records Management Amendments of 1976) authorizes the Administrator of General Services to conduct inspections or records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interactions among and relationships between Federal agencies with respect to records and records management.

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

NOTE.—The General Services Administration has determined that the document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: October 12, 1977.

JOEL W. SOLOMON,
Administer of General Services.

[FR Doc.77–30724 Filed 10–20–77;8:45 am]

[6820–23]

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D–60]

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

GUIDELINES FOR FEDERAL ENERGY CONSERVATION

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: GSA is clarifying the scope of its guidelines and procedures for certain energy reduction practices by the executive branch of the Federal Government. This action is necessary because GSA is deleting related regulations concerning energy conservation. The expanded regulations are intended to ensure that the subject matter is adequately covered.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Ray Whitley, Office of Special Studies and Programs, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202–566–1967.

SUPPLEMENTARY INFORMATION: Regulations concerning energy conservation formerly appearing in 34 CFR Part 232 are now covered by 41 CFR Chapter 101, Subpart 101–20.1.

Accordingly, Part 232 of Title 34 is hereby deleted and reserved.

Section 101–20.100 is revised as follows:

§ 101–20.100 General.

(a) Sections 101–20.101 through 101–20.104 of this subpart describe the standard levels of service which are provided as part of the standard level user charge. Section 101–20.105 describes reimbursable services. Sections 101–20.106 through 101–20.115 prescribe the standards to be applied and the services to be provided in managing buildings and grounds for which GSA has space assignment responsibility. Sections 101–20.116 and 101–20.117 prescribe energy conservation regulations for the Federal Government with respect to buildings.

(b) Consultations will be held with all occupant agencies that are in a building where extensive alterations, major repairs, or both are proposed to be undertaken which will generally upgrade the quality level rating of that building. Such consultations will not be required where only structural or utility systems repairs or alterations are needed. Where GSA proposes to change significantly the standard levels of service; for example, cleaning or protection, similar consultations will be held with occupant agencies. GSA will consider the comments of occupant agencies before a final decision is made on such proposed repairs, alterations, or operations and maintenance changes. In providing services, GSA will furnish the necessary labor, material, supplies, utilities, and supervision to ensure the efficient operation and maintenance of the building equipment and systems.

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

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

Dated: October 7, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77–30754 Filed 10–20–77;8:45 am]

[6820–23]

[FPMR Amdt. D–61]

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

Vehicle Parking Facilities

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides revised policies and procedures for assigning parking space to Federal agencies and for billing the agencies for this space. It reflects changes in parking policies resulting from the establishment of the Federal Buildings Fund and from General Accounting Office decisions regarding parking. The intent of this regulation is to ensure a uniform and equitable allocation of space for parking.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Whitlock, Director, Space Management Division, Office of Space Planning and Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202–566–1875.

The table of contents for Part 101–20 is amended by the addition or revision of the following entries:

Sec.
101–20.111–2a Priority of assignment of parking spaces.
101–20.111–2b Increased utilization of parking facilities.
101–20.111–2c Billing for assigned vehicle parking spaces.
101–20.111–3 Parking space allotments.

Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

Section 101–20.111 is revised as follows:

§ 101-20.111 Vehicle parking facilities.

§ 101-20.111-1 General.

GSA is responsible for determining what space in and around properties under its custody and control may be used for vehicle parking purposes.

§ 101-20.111-2 Policy.

Vehicle parking facilities to accommodate the needs of Federal agencies will be established in and around properties under the custody and control of GSA. Such facilities will be consistent with the character of other properties in the neighborhood and local planning requirements, will not adversely affect the use or appearance of the property, and will not constitute a traffic hazard.

§ 101-20.111-2a Priority of assignment of parking spaces.

(a) Vehicle parking spaces shall first be reserved for official needs in the following order of priority:

(1) Mailcarrier maneuvering area and official Postal Service vehicle parking (including contract mail-hauling vehicles and private vehicles of rural carriers) at buildings containing Postal Service mailing operations.

(2) Government-owned vehicles specially outfitted and used for criminal apprehension law enforcement activities and firefighting and other emergency vehicles.

(3) Privately owned vehicles of Federal judges and Members of Congress. Priority is limited to these individuals for security purposes and does not include members of their staffs.

(4) Privately owned vehicles of agency heads. Priority is limited to these individuals and does not include members of their staffs. An agency head is defined as:

(i) The senior official with authority and responsibility for administering a nationwide program at the agency or bureau level; or

(ii) The senior official in a regional office with authority and responsibility for administering a program in a geographic area of more than one State.

(5) Government-owned vehicles other than those listed in subparagraphs (1) and (2) of this paragraph. These include motor pool dispatch vehicles and vehicles assigned to agencies for general use.

(i) The total number of parking spaces provided for all Government-owned vehicles shall be an amount less than the total number of such vehicles. The type of vehicles involved and the character of the motor pool operation shall determine the ratio of parking spaces to vehicles.

(ii) If feasible, areas assigned for Government-owned vehicles may be used during other than early morning or late afternoon hours for visitor and service vehicles or other vehicles as appropriate.

(6) Vehicles of patrons and visitors and service vehicles not accommodated under subparagraph (5)(ii) of this paragraph.

(7) Privately owned vehicles of employees of occupant agencies regularly used for Government business. The term "privately owned vehicles regularly used for Government business" means vehicles used 12 or more workdays per month for Government business for which the employee receives reimbursement for mileage and parking fees under Government travel regulations. Monthly certification, such as travel vouchers, may be required to establish this priority.

(b) When requested by agencies, the parking spaces not required for "official parking" may be used for employee parking. In the assignment of employee parking spaces, the following sequence of priorities shall be observed:

(1) Severely handicapped Government employees for whom assigned parking spaces are necessary. These are employees so severely physically handicapped as to prohibit or make unreasonably difficult the use of public transportation. Justification for this priority may require certification by an agency medical unit including the Veterans' Administration, by the Public Health Service, or by a private physician.

(2) Privately owned vehicles of employees of occupant agencies not otherwise accommodated. Assignments shall be made in accordance with applicable carpooling regulations. (See § 101-20.117.)

(i) *Parking spaces allocated to agencies.* Under most circumstances (see subparagraph (ii), below, for an exception), available employee parking will be allocated to each agency in proportion to its share of the total building population. The agency, in turn, shall assign spaces to employees, using the number of persons in a carpool as the primary priority in accordance with applicable carpooling regulations.

(ii) *Assignment on a zonal basis.* In the Metropolitan Washington, D.C., area and in other major metropolitan areas, to achieve more efficient utilization of space and equality in the availability of parking for all Federal employees, the Regional Administrator, GSA, may have all parking allocations based on a zonal concept rather than on individual sites. In locations where this method is followed, all agencies located in a zone would compete for the available parking in accordance with instructions issued by the Regional Administrator. In establishing this procedure, the Regional Administrator will consult with all affected agencies.

§ 101-20.111-2b Increased utilization of parking facilities.

GSA will take the following actions, where appropriate, to intensify the utilization of parking spaces:

(a) Periodically or as required, GSA, in consultation with the agencies, will make appropriate surveys, conduct studies, and review parking space allocations to determine the rate of utilization of vehicles and space in vehicle parking facilities and will increase, where feasible, the number of vehicles authorized to use the facilities. GSA will reallocate space, as necessary, in accordance with the priorities set forth in § 101-20.111-2a.

(b) GSA will coordinate agency vehicle parking requirements within the urban centers listed in § 101-18.102 so that agencies are made aware of the availability of parking spaces within each urban center.

(c) In most instances, avoiding the assignment of individual reserved parking spaces will result in increased efficiency in the use of the available parking spaces. Where necessary, a limited number of spaces may be reserved for certain individuals such as judges, Members of Congress, and handicapped persons. In this manner, the number of permits can be overallocated to have greater availability of parking for employees. In instances in which allocation of parking spaces is made on the basis of individual spaces rather than block spaces, poor utilization usually results. Therefore, adequate justification must be documented showing economic or other significant reasons for reservation of individual spaces rather than allocation on a block basis.

(d) Where feasible, GSA or other agencies, as appropriate, will employ commercial practices of parking management concerns by stackparking vehicles bumper-to-bumper with a minimum of access aisles. This will result in an increase in the number of vehicles which can be accommodated.

(e) Paid attendants may be used in some instances under arrangements with a parking management contractor (concessionaire). This technique may be used in conjunction wit heither stackparking or block parking or in locations where it is deemed advantageous to use a management contractor to operate the parking facility. In instances in which a parking contractor is used, the fees for management of the facility shall be paid by the employees using the facility.

(f) Motor pool vehicles and vehicles on indefinite assignment to agencies shall be subject to the same parking procedures (such as bumper-to-bumper parking) as employee vehicles. Emergency and law enforcement vehicles (see § 101-20.111-2a(a)(2)) are exempt from such procedures.

(g) The provision of facilities for storing vehicles which are awaiting disposal or assignment or which have been impounded by law enforcement agencies shall be limited to outlying locations where spaces are not at a premium.

§ 101-20.111-2c Billing for assigned vehicle parking spaces.

(a) *Official parking.* Each agency will be billed the appropriate standard level user charge (SLUC) for all official parking spaces assigned in accordance with § 101-20.111-2a. Visitor, patron, and service vehicle parking spaces assigned specifically to an agency will be billed at the appropriate standard level user charge. Spaces assigned or reserved for general use by visitor, patron, and service

vehicles will be billed on a prorated basis to using agencies.

(b) *Employee parking.* Employee vehicle parking spaces, when requested by an agency, will be assigned in accordance with § 101-20.111-2a. The agency will be billed the appropriate standard level user charge. (NOTE.—SLUC billings will be made to agencies and not to individual employees.) In situations in which the number of parking spaces exceeds the number requested by using agencies, such as may occur at Federal centers and depots, the excess spaces will be metered, made available to a concessionaire or to an employee group by outlease or permit, or otherwise handled as appropriate.

§ 101-20.111-3 Parking space allotments.

Allotment of areas will be made to agencies, which shall administer those areas for parking purposes. Guidelines for policing public buildings and grounds, including parking areas, are set forth in Subpart 101-20.3. If necessary, and at occupant agency request, provisions will be made by GSA to regulate the use of parking areas by policing with GSA or other Government personnel or by arrangements with local law enforcement authorities. Unusual protection requirements shall be subject to reimbursement.

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

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

Dated: October 11, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-30723 Filed 10-20-77;8:45 am]

[6820-23]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amdt. H-107]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.3—Surplus Real Property Disposal

SURPLUS REAL PROPERTY POLICY ON DISPOSAL BY EXCHANGE

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This rule sets forth policy on disposal of surplus real property by exchange for privately owned property, which was not previously published, to inform interested parties of the policy.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

James R. Bergdahl, Office of Real Property, Public Buildings Service, General Services Administration. Washington, D.C. 20405 202-566-1339.

Section 101-47.301-1 is amended as follows:

§ 101-47.301-1 Policy.

* * * * *

(c) That surplus real property shall be disposed of by exchange for privately owned property only for property management considerations such as boundary realignment or provision of access or in those situations in which the acquisition is authorized by law, the requesting Federal agency has received approval from the Office of Management and Budget and clearance from its congressional oversight committees to acquire by exchange, and the transaction offers substantial economic or unique program advantages not otherwise obtainable by any other method of acquisition.

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

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: October 7, 1977.

JOEL W. SOLOMON,
Administrator of General Services Administration.

[FR Doc.77-30721 Filed 10-20-77;8:45 am]

[6820-26]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 7900.7]

PART 105-65—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Grant Procedures

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation establishes procedures to be followed in applying for and administering National Historical Publications and Records Commission grants. The Commission has decided to take this action to make its procedures more available to the public.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank G. Burke, Executive Director, National Historical Publications and Records Commission (NP), Washington, D.C. 20408, 202-724-1083.

SUPPLEMENTARY INFORMATION: On June 8, 1977, there was published in the FEDERAL REGISTER (42 FR 29319) a notice of proposed rulemaking for regulations governing grants made under the National Historical Publications and Records Commission programs. Interested persons were given 30 days in which to submit comments on the proposed regulations. Comments were received from representatives of four organizations or institutions.

In response to suggestions made by one commenter, the Commission has clarified the language in § 105-65.100 and § 105-65.103 to include acceptable printing processes other than letterpress and has modified § 105-65.103-2 to allow subvention of costs for the production of either single or multiple volumes. The Commission did not adopt the recommendation that the relevant materials contained in the reports cited in § 105-65.101 be incorporated into the grant procedures. The reports are not formal regulations and are of interest primarily to applicants considering major documentary publication projects, a small minority of those who apply for Commission grants.

Most of the comments received concerned Subpart 105-65.3, Grant Procedures. Several commenters expressed confusion about the provisions of § 105-65.303-2(a). The intent of this subsection is to ensure that the institutional commitment does not decrease when existing personnel are moved to grant project budgets.

The subsection calls for evidence either that grant funds will be used to compensate personnel in addition to regular personnel or that if regular personnel are used on a project and are paid from grant funds, an equal amount of funds will be applied by the recipient institution to hire someone to perform the duties normally performed by the regular employee. The word "professional" has been deleted from the first sentence as it may be viewed incorrectly by some persons as a separate class from the "project directors, assistants, technicians, and Secretarial and clerical personnel" listed in the last sentence of this subsection.

Three commenters objected to the provisions of § 105-65.303-2(e) concerning indirect costs. They argued that institutions must be given the choice to determine which costs are to be shared and stated that the Commission is assuming that indirect costs are not real costs. Because the Commission's grant program funds are limited and the Commission wishes to support as many projects as possible, a policy has been adopted that normally indirect costs are approved only when those costs are included in the cost-sharing or non-Commission matching portion of the budget. Under certain circumstances, based on the arguments of the applicant, the Commission would consider funding indirect costs. The Commission recognizes that indirect costs are real, and reminds applicants that the cost-sharing portion of the budget should be bona fide costs, auditable as such, just as the outright and matching portions are.

One comment suggested that § 105-65.305 should clarify the duties and responsibilities of the project director in the administration of the grant and the direction of the project. The sections which immediately follow this section discuss the responsibilities for administration of the grant. The Commission

feels that the regulation is not an appropriate place to suggest what are essentially professional judgments relating to the direction of the project.

Several commenters felt that §105-65.-308 was unreasonable. The Commission believes that an applicant should be able to project salary figures on a 1-year grant to within 5 percent of actual salary. Revised budgets based on changes in institutional salary structures may be submitted up to the time of a Commission meeting, which generally occurs shortly before a project is about to start.

Two commenters requested that the reporting frequency in § 105-65.310 be reduced to annually. Since more than half of the Commission's grants are for 1 year or less, it is felt that semiannual reports are necessary for oversight purposes; otherwise most projects would be completed before the Commission had any indication of their progress or difficulties. Recently the Commission reduced its semiannual report requirement to the first 3 years of a project, easing the burden on long-term projects to annual reports only.

Several editorial changes were also made.

The amendments are adopted with changes as set forth below.

The table of parts for 41 CFR Chapter 105 is amended to revise the following entry:

Part

105-65 National Historical Publications and Records Commission.

Part 101-5 is added as follows:

Sec.

105-65.000 Scope of part.
105-65.001 Definitions.
105-65.002 Purpose of the Commission.
105-65.003 Programs of the Commission.

Subpart 105-65.1—National Historical Publications Program

105-65.100 General.
105-65.101 Scope and purpose.
105-65.102 Organization.
105-65.103 Book publication projects.
105-65.103-1 General.
105-65.103-2 Subzsidies for printing costs.
105-65.104 Microform publication proj- etc.
105-65.104-1 General.
105-65.104-2 Standards.

Subpart 105-65.2—National Historical Records Program

105-65.200 General.
105-65.201 Scope and purpose.
105-65.203 Organization.
105-65.203 State records program organization.
105-65.203-1 State Historical Records Codinator.
105-65.203-2 State Historical Records Advisory Board.

Subpart 105-65.3—Grant Procedures

105-65.300 Types of grants.
105-65.301 Grant limitations.
105-65.302 Grant applications.
105-65.302-1 Who may apply.
105-65.302-2 Where to apply.
105-65.302-3 When to apply.
105-65.303 Application requirements.
105-65.303-1 Project proposals.
105-65.303-2 Proposed budgets.
105-65.304 Review and evaluation of records project proposals.
105-65.305 Grant administration responsibilities.
105-65.306 Grant instrument.
105-65.307 Grant period and payments.
105-65.308 Adherence to original budget estimates.
105-65.309 Adherence to original project objectives.
105-65.310 Grant reports.
105-65.311 Safety precautions.
105-65.312 Acknowledgement.
105-65.313 Revocation of grants.
105-65.314 Transfer of grants to other institutions.
105-65.315 Repayment of grant funds.
105-65.316 Responsibility for exceeding grant funds.
105-65.317 Records, accounting practices, and audit.
105-65.318 Compliance with Government-wide requirements.

AUTHORITY: Sec. 205(c), 63 Stat 390; 40 U.S.C. 486(c); and 44 U.S.C. 25.

§ 105-65.000 Scope of part.

This part prescribes the procedures and rules governing the operation of the programs of the National Historical Publications and Records Commission.

§ 105-65.001 Definitions.

(a) The term "Commission" means the National Historical Publications and Records Commission or the Chairman of the Commission or the Executive Director of the Commission, acting on the Commission's behalf.

(b) The term "historical records" means unpublished record material having permanent or enduring value regardless of physical form or characteristics, including but not limited to manuscripts, personal papers, official records, maps, and audiovisual materials.

(c) The term "State" means all 50 States of the Union, plus Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the District of Columbia.

§ 105.65.002 Purpose of the Commission.

The National Historical Publications and Records Commission makes plans, estimates, and recommendations regarding the preservation and use of historical records that may be important for an understanding and appreciation of the history of the United States. It also cooperates with and encourages appropriate Federal, State, and local agencies and nongovernmental institutions in collecting and preserving and, when it considers it desirable, in editing and publishing the records of outstanding citizens, groups, or institutions and other important documents. On recommendation of the Commission, the Administrator of General Services makes allocations to Federal agencies and grants to State and local agencies and to nonprofit organizations and institutions in support of these programs.

§ 105-65.003 Programs of the Commission.

The Commission operates primarily through a National Historical Publications Program (Subpart 105-65.1) and a National Historical Records Program (Subpart 105-65.2).

Subpart 105-65.1—National Historical Publications Program

§ 105-65.100 General.

This subpart describes the scope, purpose, and organization of the National Historical Publications Program and prescribes requirements applicable to book and microform publication projects. Grant application and administration procedures are given in Subpart 105-65.3.

§ 105-65.101 Scope and purpose.

The National Historical Publications Program is intended to ensure the dissemination and accessibility of documentary source material important to the study and understanding of U.S. history. Projects should therefore be based upon material of widespread interest among scholars, students, and informed citizens. Documents should have historical value and interest that transcend local and State boundaries. More specific guidance may be found in the Commission's "A National Program for the Publication of Historical Documents: A Report to the President" (1954) and "A Report to the President Containing a Proposal by the National Historical Publications Commission" (1963), and in various reports of advisory committees to the Commission which contain examples of documentary publication projects that the Commission feels merit consideration in a national program. These reports are available on request from the Commission (mailing address: National Historical Publications and Records Commission (NP), Washington, DC 20408). In carrying out this program, the aim of the Commission is to promote the highest quality of scholarship without undue interference or control.

§ 105-65.102 Organization.

The Executive Director, the Deputy Executive Director for the Publications program, and the staff of the Commission administer the program under the guidance of the Commission and the immediate administrative direction of its chairman, the Archivist of the United States. The Commission may establish special advisory committees, composed of leading historians, archivists, and other specialists, to assist in developing plans for desirable projects in particular areas and to review and make recommendations regarding proposed projects.

§ 105-65.103 Book publication projects.

§ 105-65.103-1 General.

Each book publication project shall include either the papers of a U.S. leader in a significant phase of life in the United States or documents relating to some outstanding event or to some topic or theme of national significance in U.S. history. These projects shall consist of collecting, compiling, editing, and publishing, either selectively or comprehensively, the papers or documents. Publication may be in the form of book only or book supplemented by microform. One

copy of each book publication should be deposited with the National Historical Publications and Records Commission (NP), Washington, DC 20408.

§ 105–65.103–2 Subsidies for printing costs.

(a) The Commission will consider applications from university and other nonprofit presses for the subvention of part of the costs of printing and manufacturing volumes that have been formally endorsed by the Commission. Grants not exceeding $10,000 per volume are recommended to reduce, to that extent, demonstrated losses sustained by the presses in publishing volumes essential to the Commission's program.

(b) The granting of a subvention shall be used to encourage the highest standards in the production of volumes, particularly the quality of paper and ink. From time to time the Commission will issue a statement of standards applicable to volumes produced under subvention grants.

(c) The Commission may seek the assistance of the Association of American University Presses and others in determining the allocation of funds to particular presses for specific volumes.

(d) The Commission shall receive 15 complimentary copies of each published volume for which a subvention grant is made.

§ 105–65.104 Microform publication projects.

§ 105–65.104–1 General.

Each microform publication project shall involve the arrangement and filming, with adequate editorial apparatus, of papers of national significance located in repositories throughout the United States. The grantee shall make positive prints and all finding aids resulting from these microform projects available to institutions, scholars, or students, for loan and for purchase without profit. Copies of microform publications need not be deposited with the Commission, but the existence of all such microform publications should be reported to the National Union Catalog of Manuscript Collections at the Library of Congress. At least 500 copies of all finding aids shall be printed, of which 50 copies shall be supplied to the Commission.

§ 105–65.104–2 Standards.

The Commission from time to time issues technical standards which will be supplied to grantee institutions at the time a grant is made for a microform project. These standards will not be changed while a project is in progress, but new technical standards may be issued and made applicable to other grantee institutions when their projects begin.

Subpart 105–65.2—National Historical Records Program

§ 105–65.200 General.

This subpart describes the scope, purpose, and organization of the National Historical Records Program. Grant application and administration procedures are given in Subpart 105–65.3.

§ 105–65.201 Scope and purpose.

Through its national historical records program, the National Historical Publications and Records Commission encourages a greater effort at all levels of government and by private organizations to preserve and make available for use those records, generated in every facet of life, that further and understanding and appreciation of U.S. history. In the public sector, these historical records document significant activities of States, county, municipal, and other units of government. In the private sector, historical records include manuscripts, personal papers, and family or corporate archives that are maintained by a variety of general repositories as well as materials in special collections relating to particular fields of study, including the arts, business, education, ethnic, and minority groups, immigration, labor, politics, professional services, religion, science, urban affairs, and women. In addition to supporting projects relating directly to a body of records, the Commission may also support projects to advance the state of the art, to promote cooperative efforts among institutions and organizations, and to improve the knowledge, performance, and professional skills of those who work with historical records.

§ 105–65.202 Organization.

The Executive Director, Deputy Executive Director for the Records Program, and the staff of the Commission administer the records program under the guidance of the Commission and the immediate administrative direction of its chairman, the Archivist of the United States. The Commission may establish special advisory committees, composed of leading historians, archivists, and other specialists, to assists it in developing plans for desirable projects in particular areas and to review and make recommendations regarding proposed projects.

105–65.203 State records program organization.

§ 105–65.203–1 State Historical Records Coordinator.

The Governor of each State desiring to participate in the program shall appoint a State Historical Records Coordinator (Coordinator), who shall be the full-time professional official in charge of either the State archival agency or the State-funded historical agency. If the State has both agencies, the official in charge who is not appointed Coordinator shall be a member of the State Historical Advisory Board. The Coordinator is appointed to a 4-year term with the possibility of renewal. The Coordinator shall serve as chairman of the State Historical Records Advisory Board and shall be the central coordinating officer for the historical records grant program in the State. The person appointed will receive no Federal compensation for such service. The pamphlet "The State Historical Records Coordinator and the State Historical Records Advisory Board: Suggested Roles and Procedures," which is available from the Commission and from State Historical Records Coordinators, provides further information on the role of the Coordinator.

§ 105–65.203–2 State Historical Records Advisory Board.

(a) The Governor of each State desiring to participate in the program shall nominate for the Commission's approval a State Historical Records Advisory Board (Board) consisting of at least seven members, including the State Historical Records Coordinator, who chairs the Board. A majority of the members shall have recognized professional experience in administration of historical records or in a field of research that makes extensive use of such records. The Board shall be as broadly representative as possible of the public and private archival and research institutions and organizations in the State. Board members receive no Federal compensation for their service on the Board. They are appointed for 3 years with the possibility of renewal; terms are staggered so that one-third of the Board is newly appointed or reappointed each year.

(b) The Board is the central advisory body for historical records planning and for projects developed and carried out within the State. Specifically, the Board may perform such duties as sponsoring and publishing surveys of the conditions and needs of historical records in the State; soliciting or developing proposals for projects to be carried out in the State with Commission financing; reviewing records proposals by institutions in the State and making recommendations from these to the Commission; developing, revising, and submitting to the Commission State priorities for historical records projects following guidelines developed by the Commission; and reviewing, through reports and otherwise, the operation and progress of records projects in the State financed by the Commission.

Subpart 105–65.3—Grant Procedures

§ 105–65.300 Types of grants.

The Administrator of General Services, on the advice and recommendation of the Commission, makes three types of grants: outright grants, matching grants, and combined grants.

(a) *Outright grants.* An application for an outright grant requests the Commission to support the entire cost of a project, minus the share of the cost borne by the applicant. Any direct or indirect costs relating to the project that are contributed by the applicant may be included as cost sharing. The maximum possible cost sharing is encouraged in every proposal, and the level of cost sharing will be an important factor in the Commission's consideration of most types of proposals.

(b) *Matching grants.* An application for a matching grant should be made

when an applicant has prospects of securing financial support from third parties or, in the case of a State or local government agency, new funds from the institution's own appropriation source are provided expressly for the project proposed in the application. Upon Commission approval of a matching grant request, the applicant shall present written documentation certifying that matching funds have been provided for the project by the non-Federal source. In the case of a State or local government agency, the matching requirement may also be met through matching funds from the State or local government provided that it can be demonstrated to the Commission's satisfaction that the matching amount has been provided above and beyond funds previously allocated or planned for the agency's budget and that the funds are set aside exclusively to support the project proposed for Commission support. Matching funds may be granted only after the Commission has approved a proposal and after documentation has been submitted to the Commission demonstrating that the matching funds are forthcoming from the non-Federal source. Applicants need not, however, have money in hand to make a matching grant request; they need only assure the Commission that they have reasonable prospects of obtaining the needed amounts.

(c) *Combined grants.* A combined grant comprises both outright funds and matching funds. When the gifts an applicant can raise plus the equivalent amount of Commission money do not equal the required budget, the difference is requested in outright funds. For example, if the applicant needs $75,000 and is able to raise $25,000 in gifts or in a new appropriation for the project, a combined grant of $25,000 outright and $25,000 in matching funds for a total of $50,000 should be requested from the Commission.

§ 105-65.301 Grant limitations.

The Commission does not provide grants in instances of excessive or unequal access restrictions placed on materials by a repository or donor, for the purchase of certain categories of capital improvement and equipment, for work on the papers of public officials still in office, for oral history interviews or transcription, and for other reasons as prescribed from time to time in Commission policy statements. Grant limitations are described in procedure pamphlets available on request from the Commission.

§ 105-65.302 Grant applications.

§ 105-65.302-1 Who may apply.

Applications from nonprofit organizations and institutions and from Federal, State, and local government agencies will be considered. Proposals under the National Historical Records Program for State projects (but not regional or national projects) will be accepted only from applicants in States in which a State Historical Records Coordinator has been appointed and a State Historical Records Advisory Board nominated and approved. The records program pamphlet "Guidelines and Procedures: Applications and Grants," which is available from the Commission and from State Historical Records Coordinators, provides guidance on determining State Historical Records Coordinators, provides guidance on determining whether a proposed project is considered a State project.

§ 105-65.302-2 Where to apply.

Project proposals and related correspondence shall be sent to the National Historical Publications and Records Commission (NP), Washington, D.C. 20408. Multiple copies of State proposals under the records program shall also be sent to the appropriate State Historical Records Coordinator. Applicants should contact the Commission or appropriate Coordinator for current requirements. Before they are submitted, proposals may be discussed with the Commission staff or, if appropriate, with the State Historical Records Coordinator. The Commission encourages these discussions through correspondence, by phone, or in person.

§ 105-65.302-3 When to apply.

Grant proposals are considered during Commission meetings held three or four times during the year. For current application deadlines, contact the Commission or State Historical Records Coordinators.

§ 105-65.303 Application requirements.

Applications for grants under the National Historical Publications Program and the National Historical Records Program shall include a detailed project proposal (see § 105-65.303-1), a proposed budget (see § 105-65.303-2), and a civil rights compliance assurance signed by the administrative officer authorizing the grant proposal. A sample compliance statement is available from the Commission. For records proposals, the application shall include also a cover sheet that may be obtained from the Commission or State Historical Records Coordinators.

§ 105-65.303-1 Project proposals.

Project proposals shall be submitted in accordance with the guidelines published in the appropriate Commission pamphlet, "Publications Program Guidelines and Procedures: Applications and Grants," or "Records Program Guidelines and Procedures: Applications and Grants," which are available on request from the Commission or from each Coordinator.

§ 105-65.303-2 Proposed budgets.

The proposed budget shall list all items to be supplied by the sponsor or others and those requested from the Commission. The estimate of the total cost shall be calculated for each year, and proposed contributions to the project from other Federal and non-Federal sources shall be listed. A summary of all past and current support for the project and a statement of whether the proposal is being considered by other possible funding sources shall be included. The Commission shall be notified of any additional support for the project that is received after the submission of a proposal or after the receipt of any grant under this program. Applicants may request funds for the duration of project. However, in many instances the Commission will recommend a grant for 1 year only with annual resubmission required for additional funding. The budget shall include the following categories:

(a) *Salaries.* The salaries of personnel directly associated with a project are appropriate costs in proportion to the time devoted to the project if that portion of the salary would not be paid without grant funding. Grant funds do not augment salaries of full-time staff members. Proposals shall indicate which personnel are to be hired to carry out the proposed project and which are already on the staff of the applicant. If existing personnel are to be used, justification for Commission support of any portion of their salaries shall be provided. Project directors, assistants, technicians, and secretarial and clerical personnel shall be listed in accordance with the percentage of time devoted to the project.

(b) *Equipment and supplies.* Specialized articles of equipment required for a project shall be itemized by description and estimated cost and include an adequate justification. Items not normally considered eligible are filing cabinets, furniture, typewriters, and other types of office equipment.

(c) *Travel.* The extent of any travel and its relationship to the project shall be specified.

(d) *Publication costs.* When projects involve publication, costs and projected selling price and number of copies to be printed shall be indicated to the extent possible.

(e) *Other direct costs, indirect costs, and contingency funds.* All direct costs of the project not covered by this subsection shall be itemized. No allowances for contingencies may be included in the proposed budget. The Commission normally approves budget items for indirect costs only when these costs are included in the cost-sharing portion of the budget or, in the case of matching grants, when they are included in the non-Commission matching portion. Only negotiated indirect cost rates with approval by an appropriate Federal agency shall be used in grant applications submitted to the Commission.

§ 105-65.304 Review and evaluation of records project proposals.

State Historical Records Advisory Boards review and evaluate proposals for State projects and forward them to the Commission with recommendations for action. Boards may decide that certain proposals are incomplete or require further development; in these instances proposals may be returned to the applicant by the Board with a recommendation for revision. The Commission staff shall be informed of the recommendations. Proposals received from Boards and regional and national proposals received directly by the Commission are

reviewed by the Commission staff for completeness, conformity with application requirements, and relevance to the objectives of the grant program. Regional and national proposals may also be referred by the Commission staff to selected State Historical Records Coordinators, members of Boards, or others with appropriate knowledge to assist the Commission and its staff in an objective review and evaluation of the projects. Following review and evaluation, proposals are referred to the Commission at regular meetings.

§ 105–65.305 Grant administration responsibilities.

Primary responsibility for the administration of grants is shared by the grantee institution and the project director designated by the institution.

§ 105–65.306 Grant instrument.

The project grant instrument is a letter from the Administrator of General Services or the Archivist of the United States to the grantee. The letter and attachments outline conditions of the grant.

§ 105–65.307 Grant period and payments.

The grant period begins on the date specified in the grant letter and runs the length of time specified therein. Expenditures incurred before the effective date of the grant shall not be charged against the grant. An advance of funds is provided to each institution to finance the work under the grant.

§ 105–65.308 Adherence to original budget estimates.

No expenses shall be charged to grant funds unless provided for in the budget summary or approved in a subsequent letter from the Commission. No amount shall be spent from grant funds for salaries of project personnel in excess of 5 percent of the total amount allocated for salaries in the budget summary without prior approval of the Commission. The Commission shall be informed promptly by the grantee of any significant departure from the budget summary that does not require prior approval under the conditions of this section.

§ 105–65.309 Adherence to original project objectives.

During any grant period there shall be no alteration of the type of project or of its scope and intended purpose without prior written approval from the Commission. The Commission shall be contacted in all instances in which circumstances indicate the desirability of changes in type, scope, or objectives of a project.

§ 105–65.310 Grant reports.

Semiannual and final financial reports, made on Standard Form 269, Financial Status Report, are required. Semiannual reports covering 6-month periods following the grant date shall be forwarded to the Commission within 30 calendar days after the end of each report period. Final reports shall be forwarded to the Commission within 90 calendar days of the expiration or termination of the grant. If the grant period is less than 6 months, only a final report shall be due. Semiannual reports are due for the first 3 years of a project, after which reports shall be submitted annually. In accordance with the Federal Reports Act of 1942, the Office of Management and Budget Approval Number 80–R0180 has been assigned to this public-use report.

§ 105–65.311 Safety precautions.

The Commission cannot assume any liability for accidents, illnesses, or claims arising out of any work undertaken with the assistance of the grant.

§ 105–65.312 Acknowledgement.

Grantee institutions, grant directors, or grant staff personnel may publish results of any work supported by a grant or award without review by the Commission. Publications or other products resulting from the project should, however, acknowledge the assistance of the Commission.

§ 105–65.313 Revocation of grants.

Grants may be revoked in whole or in part by the Commission for cause upon written notice of the decision and the reasons, or for the convenience of the Government upon concurrence of the grantee institution and the project director. However, the revocation shall not affect any financial commitment of grant funds that had become firm before the effective date of the revocation. Upon revocation the grantee shall reduce, to the extent possible, the amount of outstanding commitments and shall return within 90 calendar days to the Commission, citing the appropriate grant number, the uncommitted balance of all funds paid the grantee under the grant. The grantee shall promptly inform the Commission whenever there is reason to believe that circumstances may require revocation.

§ 105–65.314 Transfer of grants to other institutions.

The Commission will not transfer grants from one institution to another.

§ 105–65.315 Repayment of grant funds.

Grant funds that are not committed before the completion of the grant project shall be returned with the financial report, citing the appropriate grant number, to the Commission within 90 calendar days of the completion of the project.

§ 105–65.316 Responsibility for exceeding grant funds.

All commitments and expenditures incurred by the grantee in excess of the funds provided by the grant or beyond the termination of the grant shall be the responsibility of the grantee. Expenditures incurred before the effective date of the grant shall not be charged against grant funds.

§ 105–65.317 Records, accounting practices, and audit.

Accounting records relating to all expenditures for each project shall be kept in accordance with generally accepted accounting practices. These records are subject to inspection and audit at all reasonable times during the grant period and for 3 years thereafter in accordance with OMB Circular A–110 and Federal Management Circular 74–7.

§ 105–65.318 Compliance with Government-wide requirements.

In addition to the grant application and grant administration requirements outlined in this Part 105–65, grantees are responsible for complying with applicable Government-wide requirements.

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

Dated: October 12, 1977.

JAY SOLOMON,
Administrator of General Services.

[FR Doc.77-30740 Filed 10-20-77;8:45 am]

[7035–01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1282]

PART 1033—CAR SERVICE

American Rail Heritage, Ltd., d.b.a. Crab Orchard & Egyptian Railroad Authorized To Operate Over Tracks Embargoed by Illinois Central Gulf Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1282).

SUMMARY: Service Order No. 1282 authorizes American Rail Heritage, Ltd., d.b.a. Crab Orchard & Egyptian Railroad (CO&E) to operate over Illinois Central Gulf Railroad Co. (ICG) tracks between Ordill and Mande, Ill. The ICG Railroad has filed for abandonment of this portion of their lines and has placed an embargo against all traffic to and from all stations on the Mande District. Operation by the CO&E over these ICG tracks is necessary to provide rail service to shippers located adjacent to this line.

DATES: Effective 12:01 a.m., October 18, 1977. Expires 11:59 p.m., February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of October 1977.

The Illinois Central Gulf Railroad Co. is unable to operate over its Mande District between Seely Jct., Ill., milepost 93.5 and Mande, Illinois, milepost 108.00 because of track conditions between Seely Junction., and Ordill, Ill., milepost 99.47. The American Rail Heritage, Ltd., d.b.a. Crab Orchard & Egyptian Railroad (COE) in Finance Docket No. 28360, has requested authority to acquire and operate that portion of the line between Ordill and Mande and is willing to commence immediate operations in order to provide essential rail service to shippers located in that area. Traffic handled by the COE will be routed via the Missouri Pacific through an interchange at Mande. The necessary rates and routes have been published by the Missouri Pacific in its tariffs. If service over this line is not provided by the COE, numerous shippers on the line will be left without essential railroad service. In the opinion of the Commission, operation by the COE over these tracks of the ICG is necessary 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:

§ 1033.1282 Service Order No. 1282.

(a) *American Rail Heritage, Ltd., d.b.a. Crab Orchard & Egyptian Railroad authorized to operate over tracks embargoed by Illinois Central Gulf Railroad Co.* American Rail Heritage, Ltd., d.b.a. Crab Orchard & Egyptian Railroad (COE) is hereby authorized to operate over Illinois Central Gulf Railroad Co. tracks between milepost 99.47 near Ordill, Ill., and milepost 108.00 near Mande, Ill., pending disposition of the application of American Rail Heritage, Ltd. for permanent authority.

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

(c) *Rates applicable.* Traffic originating or terminating on the COE will be handled through the newly established interchange with the Missouri Pacific Railroad Co. at Marion, Ill., and at rates in tariffs lawfully filed with the Commission.

(d) *Effective date.* This order shall become effective at 12:01 a.m., October 18, 1977.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board, Robert S. Turkington and Leonard J. Schloer.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30793 Filed 10-20-77;8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of the Moosehorn National Wildlife Refuge, Maine; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation; correction.

SUMMARY: This document corrects the effective date of a determination that was published at page 40682 in the August 12, 1977 FEDERAL REGISTER.

DATES: November 5, 1977, through November 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Stanley McConvey, 207-454-3521.

In FR Doc. 77-23269, the effective dates for the opening of the Moosehorn National Wildlife Refuge to hunting should read as set forth above.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.77-30634 Filed 10-20-77;8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Sevilleta National Wildlife Refuge to Hunting of Migratory Game Birds; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction of special regulation.

SUMMARY: This document corrects an omission in the migratory game bird hunting regulations for doves on the Sevilleta National Wildlife Refuge, San Acacia, New Mexico, published by the Service on September 23, 1977.

EFFECTIVE DATES: September 1 through December 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard W. Rigby, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801, telephone 505-835-1828.

SUPPLEMENTARY INFORMATION: The amendment in this document corrects an omission of specific information in the U.S. Fish and Wildlife Service's regulations as published in the FEDERAL REGISTER on September 13, 1977 (FR Doc. 77-26488). This document was authorized by W. O. Nelson, Jr., Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103, telephone 505-766-2036.

50 CFR Part 32 is amended by correcting an omission as follows:

In the first paragraph, the portion pertaining to hunting of mourning and white-winged doves that reads:

* * * Hunting of mourning and white-winged doves, from September 1 through September 30, 1977, and from November 24 through December 23, 1977; * * *

is corrected to read:

* * * Hunting of mourning and white-winged doves, daily from September 1 through September 30, 1977, and only on Tuesdays, Thursdays and Sundays until 1:00 p.m. local time, from November 24 through December 23, 1977; * * *

ECONOMIC IMPACT REVIEW: The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

JERRY L. STEGMAN,
Acting Regional Director,
Albuquerque, New Mexico.

OCTOBER 13, 1977.

[FR Doc.77-30727 Filed 10-20-77;8:45 am]

[3510-12]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 611—FOREIGN FISHING

Atlantic Herring

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Amendment of regulation.

SUMMARY: The National Oceanic and Atmospheric Administration amends the foreign fishing regulations for 1977 for Atlantic herring. The amendment would extend the present season by 30 days during which foreign fishermen could harvest Atlantic herring so that the previously allocated country quotas would be utilized.

EFFECTIVE DATE: 0001 Gmt October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, Telephone: 617-281-3600.

SUPPLEMENTARY INFORMATION: Under the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., the Secretary of Commerce can prepare and implement Preliminary Fishery Management Plans (PMP) for fisheries over which the United States exercises exclusive fishery management

authority if an application for such fishery has been appropriately made by a foreign nation and if the appropriate Regional Fishery Management Council has not prepared a Fishery Management Plan (FMP). When either a PMP or an FMP has been prepared, foreign vessels may be allowed to fish if the PMP or FMP provides that there is a surplus available for allocation to foreign nations because U.S. fishermen are not expected to harvest all the optimum yield of that fishery.

The PMP for any fishery may be amended if the Secretary deems such amendment to be in the best interest of the fishery and the United States. PMP's regulate only foreign fishing and do not regulate the domestic catch. Therefore, such amendments, and the implementing regulatory amendments fall within the foreign affairs exemption to the Administrative Procedure Act. Consequently, advance public notice of proposed rulemaking is unnecessary.

On February 11, 1977, regulations to implement the PMP for Atlantic herring were issued (42 FR 8313), describing the conditions and restrictions under which foreign fisheries for that species could be conducted.

Recent events demonstrate that during the prescribed 1977 fishing season, (August 15–September 30), fishermen from foreign nations have not been able to harvest their respective allocations of Atlantic herring within the period of time permitted under the PMP and implementing regulations. The total allowable level of foreign fishing for Atlantic herring was 22,000 metric tons. 19,250 metric tons was allocated to seven different foreign countries. The total harvest for the entire season was less than one metric ton. There is no scientific evidence that this failure is the result of a reduction in herring stocks. There is no sufficient scientific basis for NMFS to change its estimate of stock assessment made in the 1977 Preliminary Management Plan. Therefore, NMFS believes that no adverse impact would occur to Atlantic herring stocks by extending the season for a period of 30 days beginning on October 20, 1977, and ending on November 19, 1977.

Accordingly, the PMP for that fishery has been amended to extend the season for Atlantic herring to November 19, 1977. These regulations implement that amendment.

This amendment is not expected to impact upon U.S. fishermen, since no persuasive information has come to the attention of NOAA which would demonstrate that during the remainder of 1977 U.S. fishermen are likely to increase their harvest of Atlantic herring in the Georges Bank area, which is the area impacted by this amendment, beyond the level already contemplated in the PMP.

NOAA has determined that it is appropriate in this instance to accommodate foreign nations' request for an extension of the Atlantic herring fishing season. We anticipate that this action, in the spirit of international cooperation and comity, will provide the greatest overall benefit to the United States with respect to fishing, fish, and other activities and products pertaining to the food supply.

Signed at Washington, D.C. this 19th day of October 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

§ 611.53 [Amended]

50 CFR 611.53(c) is amended by striking "September 30, 1977" and substituting "November 19, 1977."

[FR Doc.77-30858 Filed 10-19-77;4:40 pm]

proposed rules

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

[1620-01]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 331]

CONTRACT COVERAGE

Proposed Rulemaking

AGENCY: Cost Accounting Standards Board.

ACTION: Proposed rule.

SUMMARY: The proposed rule would define "cost accounting practice," and "change to either a disclosed cost accounting practice or an established cost accounting practice." Also, the proposal would revise sections of the contract clause dealing with changes in cost accounting practice, by providing for equitable adjustments to the contracts under which the parties agree to a change. The definitions and clause changes are being proposed to facilitate the implementation of the Cost Accounting Standards Board's rules, regulations and Standards.

DATES: Comments must be received by December 23, 1977.

ADDRESS: Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT:

J. J. McCormick, Esq., Acting General Counsel, CASB, 441 G Street NW., Washington, D.C. 20548, 202-275-5514.

SUPPLEMENTARY INFORMATION: For some time the Cost Accounting Standards Board has been considering various means to facilitate the implementation and administration of its rules, regulations and standards. In this connection, the Board is republishing definitions of "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice." These definitions were published for comment on February 3, 1977, and the version being published today incorporate changes suggested by commentators. The Board believes that interested persons will benefit from seeing those definitions while considering the other proposed changes.

The Board is also publishing today a proposal to revise certain sections of its contract clause. The revisions relate to the types of contract price adjustments required as a result of various kinds of changes in cost accounting practices made by a contractor. Contracts under which the parties agree to a change shall be subject to equitable adjustments. (Proposed § 331.50(a)(4)(B).) The contracting officer must first make a finding that the change is desirable and not detrimental to the interests of the Government. Those changes with which the contracting officer does not agree may be made by the contractor after disclosure of the change and negotiation with the contracting officer but shall not result in any increased costs paid by the United States. (Proposed § 331.50(a)(5)(A).)

Today's publication also contains a revision to the contract clause which is being made to ease the administration of the clause relative to subcontractors. (Proposed § 331.50(d).) This change provides that all Cost Accounting Standards in effect on the date of award of a subcontract or if the subcontractor has submitted cost or pricing data, on the date of final agreement on the price, shall be applicable to the subcontract.

The Cost Accounting Standards Board solicits comments on the proposed amendments from any interested person on any matter which will assist the Board in its consideration of the proposal.

All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

It is proposed to amend Part 331 as follows:

1. Amend § 331.20 *Definitions*, by adding new paragraphs (h), (i), and (j) as follows:

§ 331.20 Definitions.

* * * * *

(h) A "cost accounting practice" is any accounting method or technique which is used for measurment of cost, assignment of cost to cost accounting periods, or allocation of cost to cost objectives.

(1) Measurement of cost encompasses accounting methods and techniques used in defining the components of cost, determining the basis for cost measurement, and establishing criteria for use of alternative cost measurment techniques. The price paid for a given component of cost is not related to cost accounting practices. Examples of cost accounting practices which involve measurement of costs are:

(i) The use of either historical cost, market value, or present value;

(ii) The use of standard cost or actual cost; or

(iii) The designation of those items of cost which must be included or excluded from tangible capital assets or pension cost.

(2) Assignment of cost to cost accounting periods refers to a method or technique used in determining the amount of cost to be assigned to individual cost accounting periods. Examples of cost accounting practices which involve the assignment of cost to cost accounting periods are requirements for the use of specified accrual basis accounting or cash basis accounting for a cost element.

(3) Allocation of cost to cost objectives includes both direct and indirect allocation of cost. Examples of cost accounting practices involving allocation of cost to cost objectives are the accounting methods or techniques used to accumulate cost, to determine whether a cost is to be directly or indirectly allocated, to determine the composition of cost pools, and to determine the selection and composition of the appropriate allocation base.

(i) A "change to either a disclosed cost accounting practice or an established cost accounting practice" is any alteration in a cost accounting practice, as defined in paragraph (h) of this section, whether or not such practices are covered by a Disclosure Statement, except that:

(1) The initial adoption of a cost accounting practice for the first time a cost is incurred, or a function is created, is not a change in cost accounting practice. The partial or total elimination of a cost or the cost of a function is not a change in cost accounting practice. As used here, function is an activity or group of activities that is identifiable in scope and has a purpose or end to be accomplished.

(2) The adoption of a cost accounting practice for a cost which previously had been immaterial is not a change in cost accounting practice.

(3) If the express provision of any law of the United States or the regulations issued pursuant to such express provisions compel a contractor to alter a cost accounting practice, in an area not covered by a Cost Accounting Standard, such alteration shall not be a change in cost accounting practice for purposes of subparagraphs (a)(4) and (a)(5) of the Cost Accounting Standards Clause (4 CFR 331.50).

(4) When a Cost Accounting Standard which has been applied by a contractor subsequently requires the contractor to alter a cost accounting practice in order to remain in compliance, that alteration practice for purposes of subparagraphs (a)(4) and (a)(5) of the Cost Accounting Standards clause (4 CFR 331.50).

(j) "Illustrations of Changes": (1) In all of the following cases where a "change to either a disclosed cost accounting practice or an established cost accounting practice" has taken place, modifications to the affected contracts would be considered in accordance with

Part 331, Contract Coverage, as proposed. Under § 331.71, price adjustments, with appropriate application of offsets, would be required only if the net cost impact of the change is material.

(2) The following are illustrations of changes which meet the proposed definition of "change to either a disclosed cost accounting practice or an established cost accounting practice" because:

I. The method or technique used for measuring costs has been changed.

Description of changes	*Accounting treatment*
1. Contractor changes his actuarial cost method for computing pension costs.	1. (a) *Before change:* The contractor computed pension costs using the aggregate cost method. (b) *After change:* The contractor computes pension cost using the unit credit method.
2. Contractor uses standard costs to account for his direct labor. Labor cost at standard was computed by multiplying labor-time standard by actual labor rates. The contractor changes the computation by multiplying labor-time standard by labor-rate standard.	2. (a) *Before change:* Contractor's direct labor cost was measured with only one component set at standard. (b) *After change:* Contractor's direct labor cost is measured with both the time and rate components set at standard.

II. The method or technique used for assignment of cost to cost accounting periods has been changed.

Description of change	*Accounting treatment*
1. Contractor changes his established criteria for capitalizing certain classes of tangible capital assets whose acquisition costs totaled $1 million per cost accounting period.	1. (a) *Before change:* Items having acquisition costs of between $200 and $400 per unit were capitalized and depreciated over a number of cost accounting periods. (b) *After change:* The contractor charges the value of assets costing between $200 and $400 per unit to an indirect expense pool which is allocated to the cost objectives of the cost accounting period in which the cost was incurred.
2. Contractor changes his method for computing depreciation for a class of assets.—	2. (a) *Before change:* The contractor assigned depreciation costs to cost accounting periods using an accelerated method. (b) *After change:* The contractor assigns depreciation costs to cost accounting periods using the straight line method.
3. Contractor changes his general method of determining asset lives for classes of assets acquired prior to the effective date of CAS 409.	3. (a) *Before change:* The contractor identified the cost accounting periods to which the costs of tangible capital assets would be assigned using guideline class lives provided in IRS Rev. Pro. 72-10. (b) *After change:* The contractor changes the method by which he identifies the cost accounting periods to which the cost of tangible capital assets will be assigned. He now uses the expected actual lives based on past usage.

III. The method or technique used for allocating costs has been changed.

Description of change	*Accounting treatment*
1. Contractor eliminates a group headquarters and transfers its functions to the three segments which form the group. The three segments will now operate as autonomous divisions reporting to the corporate headquarters. The corporation chose to change the accounting for the costs of these functions.	1. (a) *Before change:* The group headquarters allocated the costs of its functions based on the combined total cost input of the three segments. (b) *After change:* Now that each segment has the functions, the cost of the functions will be directly identified with the segment as opposed to the previous accounting in which the costs of these functions were allocated to the segments using the total cost input base.
2. The contractor changes the accounting for hardware common to all projects.	2. (a) *Before change:* The contractor allocated the cost of purchased or requisitioned hardware directly to projects. (b) *After change:* The contractor charges the cost of purchased or requisitioned hardware to an indirect expense pool which is allocated to projects using an appropriate allocation base.

Description of Change	*Accounting Treatment*
3. The legal department of a segment has reported directly to the general manager of the segment. The company reorganizes and requires the legal department to report directly to a vice president at corporate headquarters.	3. (a) *Before change:* The cost of the legal department at each segment had been accumulated at the segment as part of the general and administrative expense pool. (b) *After change:* In light of the reorganization, the company changes its accounting so that the costs of its legal department are accumulated as part of the cost of the corporate home office. As such, instead of these costs being incurred directly by the segments, these costs will now be allocated to the segments using an allocation base which reflects the beneficial and casual relationship between this pool of cost and the segments.
4. The contractor merges operating segments A and B which use different cost accounting practices in accounting for manufacturing overhead costs.	4. (a) *Before change:* In segment A, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor hours base; in segment B, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor dollars base. (b) *After change:* As a result of the merger of operations, the combined segment decides to allocate manufacturing overhead expense to all final cost objectives, using a direct labor dollars base. Thus, for those final cost objectives referred to in segment A, the manufacturing overhead expense pool will be allocated to the final cost objectives of segment A using a direct labor dollars base instead of a direct labor hours base.

(3) The following are illustrations of changes which do not meet the proposed definition of "change to either a disclosed cost accounting practice or an established cost accounting practice."

Description of Change	*Accounting Treatment*
1. Changes in the interest rate levels in the national economy have invalidated the prior actuarial assumption with respect to anticipated investment earnings. The pension plan administrators adopted an increased (decreased) interest rate actuarial assumption. The company allocated the resulting pension costs to all final cost objectives.	1. Adopting the increase (decrease) in the interest rate actuarial assumption is not a change in cost accounting practice.
2. The basic benefit amount for a company's pension plan is increased from $8 to $10 per year of credited service. The change increases the dollar amount of pension cost allocated to all final cost objectives.	2. The increase in the amount of the benefits is not a change in cost accounting practice.
3. A contractor who has never paid pensions establishes for the first time a pension plan. Pension costs for the first year amounted to $3.5 million.	3. The initial adoption of an accounting practice for the first time incurrence of a cost is not a change in cost accounting practice.
4. A contractor maintained a Deferred Incentive Compensation Plan. After several years' experience, the plan was determined not to be attaining its objective, so it was terminated, and no future entitlements paid.	4. There was a termination of the Deferred Incentive Compensation Plan. Elimination of a cost is not a change in cost accounting practice.
5. A contractor eliminates a segment that was operated for the purpose of doing research for development of products related to nuclear energy.	5. The projects and expenses related to nuclear energy projects have been terminated. No transfer of these projects and no further work in this area is planned. This is an elimination of cost and not a change in cost accounting practice.

Description of Change	*Accounting Treatment*
6. For a particular class of assets for which technological changes have rarely affected asset lives, a contractor starts with a five year average of historical lives to estimate future lives. He then considers technological changes and likely use. For the past several years the process resulted in an estimated future life of ten years for this class of assets. This year a technological change leads to a prediction of a useful life of seven years for the assets acquired this year for this class of assets.	6. The change in estimate (not in method) is not a change in cost accounting practice. The contractor has not changed the method or technique used to determine the estimate. The result of the methodology applied to historical data has indicated a change in the estimated life, and this is not a change in cost accounting practice.
7. A contractor has been operating for some time under Cost Accounting Standard 410. The contractor's mix of business changes substantially such that there are significant new projects which have substantially increased quantities of Government furnished material.	7. The contractor has been allocating his general and administrative expense pool to final cost objectives on a total cost input base in compliance with the Standard. With the addition of the new work, the total cost input base would result in a significant distortion in the allocation of the G&A expense pool. To remain in compliance with the requirements of Standard 410, the contractor is required to alter its G&A allocation base from a total cost input base to a value added base. According to the provisions of § 331.20(i), this alteration to remain in compliance with the requirements of the Standard is not a change in cost accounting practice for purposes of subparagraphs (a)(4) and (a)(5) of the CAS contract clause.
8. The marketing department of a segment has reported directly to the general manager of the segment. The costs of the marketing department have been combined as part of the segment's G&A expense pool. The company reorganizes and requires the marketing department to report directly to a vice president at corporate headquarters.	8. After the organizational change in the company's reporting structure, the parties agree that the appropriate recognition of the beneficial or casual relationship between the costs of the marketing department and the segment is to continue to combine these costs as part of the segment's G&A expense pool. Thus, the organizational change has not resulted in a change in cost accounting practice.
9. A contractor values the assets of a pension fund on the basis of acquisition cost. Pursuant to the provisions of the Employee Retirement Income Security Act of 1974, the value of the pension fund's assets must be determined on the basis of a valuation method which takes into account fair market values.	9. The requirement to use the new valuation method is a requirement of the Act. Although the Act does not specifically require that the contractor reflect the new method (or any higher cost) in contract cost accounting, for all practical purposes the Act compels the contractor to alter his cost accounting practice. Accordingly, the alteration in accounting made by the contractor to conform to the law is not considered to be a change in cost accounting practice for purposes of subparagraphs (a)(4) and (a)(5) of the CAS contract clause.

2. Revise subparagraphs (a)(4) and (a)(5) and the first sentence in paragraph (d) of the Cost Accounting Standards contract clause in § 331.50 to read as follows:

§ 331.50 Contract clauses.

* * * * *

(a) * * *

(4)(A) Agree to an equitable adjustment as provided in the changes clause of this contract if the contract cost is affected by a change which, pursuant to (3) above, the contractor is required to make in his established cost accounting practices whether such practices are covered by a Disclosure Statement or not.

(B) When the parties agree to a change to either a disclosed cost accounting practice or an established cost accounting practice, other than a change under (4)(A) above, negotiate an equitable adjustment as provided in the changes clause of this contract.

(5)(A) Negotiate with the contracting officer to determine the terms and conditions under which a change to either a disclosed cost accounting practice or an established cost accounting practice, other than a change under (4)(A) and (B) above, may be made: *Provided*, That no agreement may be made under this provision that will increase costs paid by the United States.

(B) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any practice disclosed pursuant to subparagraphs (a)(1) and (a)(2) above and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92-41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

* * * * *

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b) of this section, and shall require such inclusion in all other subcontracts of any tier, including the obligation to comply with all Cost Accounting Standards in effect on the date of award of the subcontract or if the subcontractor has submitted cost or pricing data, on the date of final agreement on price as shown on the subcontractor's signed certificate of current cost or pricing data. This requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(1) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or

(2) Prices set by law or regulation, and except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to accept the Cost Accounting Standards clause by reason of § 331.30(b) of Title 4, Code of Federal Regulations (4 CFR 331.30(b)).

* * * * *

3. Add a new § 331.51, as follows:

§ 331.51 Findings.

Prior to the utilization of the provisions of subparagraph (a)(4)(B) of the contract clause set out in 331.50, the contracting officer shall make a finding that the change is desirable and is not detrimental to the interests of the Government. The contracting officer shall document the basis for his finding.

4. Revise paragraphs (d) and (f) of § 331.70 to read as follows:

§ 331.70 Interpretation.

* * * * *

(d) The contractor and the contracting officer may enter into an agreement as contemplated by the Cost Accounting Standards clause in § 331.50, covering a change in practice proposed by the Government or the contractor for all of the contractor's contracts for which the contracting officer is responsible. Such agreement may be made final and binding, notwithstanding the fact that experience may subsequently establish that the actual impact of the change differed from that agreed to.

(f) In one circumstance an adjustment to the contract price or of cost allowances pursuant to the Cost Accounting Standards clause in § 331.50 may not be required when an amendment to disclosed or established practices is estimated to result in increased costs being paid under a particular contract by the United States. This circumstance may arise when a contractor is performing two or more contracts, subject to Cost Accounting Standards Board rules, regulations, and Standards, with an agency or agencies of the United States, and when he proposes to change a practice disclosed or established for all such contracts. The amendment may increase the cost paid under one or more of the contracts, while decreasing the cost paid under one or more of the contracts. In such case except for subparagraph (a)(5), the Government will not require price adjustment for any increased costs paid by the United States so long as the costs decreased under one or more contracts are at least equal to the increased

cost under the other affected contracts, provided that the contractor and all affected contracting officers agree on the method by which the price adjustments are to be made for all affected contracts. In this situation, the contracting agencies would, of course, require an adjustment of the contract price or cost allowances, as appropriate, to the extent that the increases under certain contracts were not offset by the decreases under the remaining contracts.

* * * * *

BERTOLD BODENHEIMER,
Acting Executive Secretary.

[FR Doc.77-30717 Filed 10-20-77;8:45 am]

[3410-05]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

1978 National Marketing Quotas for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is preparing to announce the national marketing quota for flue-cured tobacco for the 1978-79 marketing year. The quota must be announced by December 1, 1977. This document invites all interested parties to comment and give pertinent information with respect to the determination of the quota and related matters.

DATES: Written comments must be received by November 18, 1977 in order to be sure of consideration.

ADDRESSES: Send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, 202-447-7954.

SUPPLEMENTARY INFORMATION: The Agricultural Adjustment Act of 1938 requires the Secretary to determine and announce the amount of the national marketing quota, the national average yield goal, and the national acreage allotment for the 1978-79 marketing year by December 1, 1977.

The Act defines the "reserve supply level" as five percent greater than the "normal supply". The "normal supply" is defined as a normal year's domestic consumption and exports plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports. A "normal year's domestic consumption" is defined as the average quantity produced and consumed in the United States during the ten marketing years immediately preceding the marketing year in which the quota must be announced, adjusted for current trends in such consumption. A "normal year's exports" is defined as the average quantity produced in and exported from the United States during the ten marketing years immediately preceding the marketing year in which the quota must be announced, adjusted for current trends in such consumption.

The reserve supply level for the 1977-78 marketing year was determined to be 2,864 million pounds. This was based on a normal year's domestic consumption of 669 million pounds and a normal year's exports of 538 million pounds (41 FR 52430). The proposed reserve supply level for the 1978-79 marketing year is 2,798 million pounds, based on a normal year's domestic consumption of 663 million pounds and a normal year's exports of 510 million pounds.

The Act (7 U.S.C. 1301(b) defines "total supply" as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1977-78 marketing year is 3,110 million pounds based on carryover of 2,066 million pounds and estimated production of 1,044 million pounds.

The Act 7 U.S.C. 1314c(a) defines the "National Marketing Quota" as the amount of any one kind of tobacco produced in the United States which the Secretary estimates will be used domestically and exported during the marketing year, adjusted upward or downward in an amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 15 percent of estimated domestic use and exports.

The amount of flue-cured tobacco produced and utilized domestically during the 1976-77 marketing year was 636 million pounds, and the amount exported was 512 million pounds, farm sales weight basis. The amount of the national marketing quota for the 1977-78 marketing year is 1,116 million pounds, based upon estimated domestic utilization of 730 million pounds and exports of 500 million pounds, with a downward adjustment of 114 million pounds for effecting an orderly reduction of supplies to the reserve supply level (41 FR 52430). For the 1978-79 marketing year utilization in the United States is estimated to be about 640 million pounds and exports are estimated to be about 480 million pounds. The total supply for the 1977-78 marketing year is 312 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered.

The Act (7 USC 1314c(a)) defines the "National average yield goal" as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the 1965-66 and each subsequent marketing year was determined to be 1,854 pounds, and no change is proposed for the 1978-79 marketing year.

The Act (7 USC 1314c(a)) defines the "National acreage allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1977-78 marketing year was determined to be 601,941.75 acres (41 FR 62430).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by dividing the national acreage allotment, less the reserve for new farms and old farms corrections and adjustments, by the sum of the 1977 allotments for 1978 old farms prior to adjustments for overmarketings or undermarketings and reductions required for violations. The national acreage factor for the 1977-78 marketing year was .88 (41 FR 52430).

A national yield factor will be obtained by dividing the national acreage yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketings, undermarketings, or reductions required for violations, adding the products, and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1977-78 marketing year was .9312 (41 FR 52430).

The Act (7 USC 1314c(e)) provides that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 350 acres was established for the 1977-78 marketing year (41 FR 52430). A similar reserve is proposed for the 1978-79 marketing year.

The Act (7 USC 1314c(g)) provides that if the Secretary, in his discretion, determined it is desirable to encourage the marketing of grade N2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which the tobacco was produced. This has never been authorized under the acreage-poundage program and is not proposed for the 1978-79 marketing year.

PROPOSED RULE

The subject and issues involved in the proposed determination are:

(1) The amount of the reserve supply level.

(2) The amount of the national marketing quota for the 1978–79 marketing year.

(3) The amount of the national average yield goal.

(4) The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

(5) Whether the Secretary should implement the provision relating to N2 or other grades of tobacco not eligible for price support.

The amount of the national acreage allotment, the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph.

The community average yields as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1978–79 marketing year. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741, South Building, 14th and Independence Ave., SW., Washington, D.C.

Signed at Washington, D.C. on October 17, 1977.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-30714 Filed 10-20-77;8:45 am]

[3410-05]

[7 CFR Part 729]

1978 PEANUT PROGRAM

Proposed Determinations Regarding National Acreage Allotments and Marketing Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture proposes with respect to the 1978 crop of peanuts to:

a. Determine and proclaim a national acreage allotment and apportion such allotment to States,

b. Determine and proclaim a national poundage marketing quota, and

c. Establish the date or period for holding the national referendum of peanut farmers to ascertain whether they are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1978, 1979, and 1980.

The above determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Adjustment Act of 1938, as amended, including amendments contained in the Food and Agriculture Act of 1977. The effect of these determinations is to establish for the 1978 crop of peanuts the national acreage allotment and apportionment thereof to States, the national poundage marketing quota, and the date or period for holding the national peanut marketing quota referendum. This notice invites comments on these proposed determinations.

DATE: Written comments must be received on or before November 16, 1977, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Von Garlem (ASCS), 202-447-7954.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Act of 1977, effective October 1, 1977 (Pub. L. 95-113) changes for the 1978 through 1981 crops of peanuts the provisions governing marketing quotas and national acreage allotments for peanuts by further amending Section 358 of the Agriculture Adjustment Act of 1938, as amended, as follows:

a. A new subsection (k) provides that the Secretary shall, not later than December 1 of each year, announced a national acreage allotment for peanuts for the following crop taking into consideration projected domestic use, exports, and a reasonable carryover: *Provided*, That such allotment shall be not less than 1,614,000 acres. This subsection (k) is in lieu of subsection (a) which is made inapplicable for the 1978 through 1981 crops, and which required (1) determination and proclamation of a national peanut marketing quota and (2) conversion of such quota to a peanut national acreage allotment of not less than 1,610,000 acres.

b. Old subsection (c)(1) is amended to provide that the peanut acreage allotment for the State of New Mexico shall not be reduced below the 1977 acreage allotment as increased (by a short supply determination) pursuant to subsection (c)(2) of Section 358.

c. A new subsection (l) provides that the Secretary shall, not later than December 1 of each year, announce a minimum national poundage quota for peanuts for the following marketing year, such minimum, for the 1978 marketing year, being 1,680,000 tons. It further provides that if the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, such quota may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

Apportionment of the national peanut acreage allotment among the States is governed by subsection (c)(1) of Section 358, which is unchanged except for the amendment providing a minimum allotment for the State of New Mexico. This subsection provides that apportionment among the States shall be on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made. Under this provision, the 1978 crop of peanuts will be apportioned to the States, except New Mexico, on the basis of their shares of the 1977 national acreage allotment.

Subsection (b) of Section 358 requires that a referendum of farmers who were engaged in the production of the 1977 crop of peanuts will be held not later than December 15, 1977, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1978, 1979, and 1980. Pursuant to the provisions of subsection 717.2(b) of the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended, each referendum shall be by mail ballot unless the Administrator, ASCS, or the Deputy Administrator prescribes that a particular referendum shall be held at polling places.

The subjects and issues involved in the proposed rulemaking are:

a. The amount of the national peanut acreage allotment.

b. The amount of the national peanut poundage marketing quota.

c. The date or period of the referendum.

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Price Support and Loan Division. All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741.

Signed at Washington, D.C., on October 18, 1977.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-30784 Filed 10-20-77;8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Public Record Reopening in Proposed Amendment to Trade Regulation Rule

Correction

In FR Doc. 77-28854, appearing at page 52439 in the issue of Friday, September 30, 1977, the fourth paragraph should read, "DATES: The record has been reopened until November 30, 1977."

[4410-01]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Proposed Rulemaking

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing a rule requiring attorneys, relatives, and other interested parties appearing at original jurisdiction appellate hearings to submit any written material which they wish the Commission to consider at least fifteen days in advance of the hearing. This rule is designed to expedite the decisionmaking process by avoiding the tardy introduction of new written matter at these oral hearings.

DATES: Comments must be received by November 23, 1977.

ADDRESSES: Send comments to United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of the General Counsel.

FOR FURTHER INFORMATION CONTACT:

Michael Stover, Office of the General Counsel, Telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: The proposed rule would specifically require attorneys, relatives, and other interested parties to submit any written material they wish the Commission to consider at least fifteen days in advance of the hearing (whether or not they actually request to attend the hearing in person). The present procedures for original jurisdiction appellate hearings may be found at 28 CFR § 2.27, 42 FR 39816 (August 5, 1977).

Dated: October 18, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

[FR Doc.77-30765 Filed 10-20-77;8:45 am]

[4410-01]

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Proposed Rulemaking

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule modifies the working of an existing procedure whereby the full Commission can review a decision by any Commissioner or panel of Commissioners, in any case involving parole decisionmaking. Whereas the existing rule permits such review by the Commissioners without opportunity for argument by the prisoner or parolee concerned, the proposed rule would add a provision entitling the prisoner or parolee to a formal appeal and reconsideration at the next scheduled meeting of the Commission, once the review has been completed.

DATES: Comments must be received by November 23, 1977.

ADDRESSES: Send comments to United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of the General Counsel.

FOR FURTHER INFORMATION CONTACT:

Michael Stover, Office of the General Counsel, Telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: The text of the proposed rule is as follows:

§ 2.54 Reviews pursuant to 18 U.S.C. 4203/4215.

* * * * *

(b) Notwithstanding any other provision of this chapter, any decision made by Regional Commissioner(s), National Commissioner(s), or the National Appeals Board pursuant to this chapter, except a decision made by the Commission pursuant to section 2.27, may be reconsidered by the Commission under the following procedures:

(1) Upon a petition submitted by no fewer than three Commissioners, the Chairman of the Commission shall stay the previous order to permit time for review by the full Commission under this section, except that any such review must be completed not later than 30 days from the date of entry of the decision to be reviewed. The Chairman shall provide the prisoner with a written notice of this action.

(2) A majority vote of all Commissioners currently holding office shall be required to reverse or modify the previous decision.

(3) Following any modification or reversal of the previous decision, the prisoner shall be informed in writing of the Commission's action and, if parole is denied, of the reasons therefor.

(4) If a decision adverse to the prisoner is rendered pursuant to this section, the prisoner shall be entitled to a reconsideration by the Commission, pursuant to the provisions of section 2.27, at the next regularly scheduled meeting of the Commission and shall be so informed.

Dated: October 18, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

[FR Doc.77-30766 Filed 10-20-77;8:45 am]

[4410-01]

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Proposed Rulemaking

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: Each prisoner seeking parole from a sentence imposed under the Narcotic Addict Rehabilitation Act must obtain the certification of the Surgeon General that he has made sufficient progress in his drug treatment program to warrant release on parole. The proposed rule would eliminate the present requirement for a re-certification by the Surgeon General in cases where the parole applicant has already once been paroled and that parole was revoked for violations not involving a return to drug use.

DATES: Comments must be received by November 23, 1977.

ADDRESSES: Send comments to United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of the General Counsel.

FOR FURTHER INFORMATION CONTACT:

Michael Stover, Office of the General Counsel, Telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: The Commission has found that where the parole of a prisoner originally sentenced as a narcotic addict has been revoked for violations not involving a return to the use of narcotic drugs, it does not accomplish any useful purpose to require such a prisoner to complete further drug programming or to obtain the Surgeon General's certification or release-readiness, prior to considering such prisoner for reparole.

This rule would be prospective only; that is, it would apply only in cases where the revocation hearing occurred after the effective date of the rule.

The text of the proposed amendment to 28 CFR § 2.3 is as follows, and would be substituted for the last sentence of that section: "Recertification by the Surgeon General prior to reparole consideration is required unless parole revocation did not involve drug-related violations. (18 USC 4254)."

Dated: October 18, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

[FR Doc.77-30767 Filed 10-20-77;8:45 am]

[4410-01]

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Proposed Rulemaking

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing an amended rule to require the concurrence of three votes whenever the National Appeals Board reverses a decision of a Regional Commissioner. This would change the present rule which permits the National Appeals Board to reverse any decision under appeal on the concurrence of two votes.

DATES: Comments must be received by November 23, 1977.

ADDRESSES: Send comments to United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of the General Counsel.

FOR FURTHER INFORMATION CONTACT:

Michael Stover, Office of the General Counsel, Telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: It has come to the Commission's attention that the present procedure of 28 CFR § 2.26, whereby any two Commissioners serving on the Commission's National Appeals Board can override the vote of the third member and reverse a decision by a Regional Commissioner, in practical effect fails to require a majority decision. This is so because the Regional Commissioner (although he has no vote on the National Appeals Board) is the only other Commissioner (in most cases) who will have considered the matter and actively participated in the case. Thus, unless three votes are cast to reverse (including the Chairman's vote in the event of a split decision) the real vote is only two against two. To achieve a true majority of those members of the Parole Commission who have participated in a case whenever a decision is reversed, the Commission is now proposing that decisions cannot be reversed unless three votes are obtained to reverse.

This rule would become effective thirty days after final publication, and would govern all National Appeals Board decisions taken thereafter.

The text of the proposed rule is as follows:

§ 2.26 Appeal to National Appeals Board.

(a) Within 30 days of entry of a Regional Commissioner's decision under § 2.25, a prisoner or parolee may appeal to the National Appeals Board on a form provided for that purpose. However, any matter not raised on a regional level appeal may not be raised on appeal to the National Appeals Board. The National Appeals Board, upon the concurrence of two of its members, may affirm the decision; or, upon the concurrence of three votes, may reverse or modify the decision or order a rehearing at the institutional or regional level. Split decisions requiring additional votes shall be referred to the Chairman of the Commission and, if necessary, to other members of the Commission on a rotating basis as established by the Chairman of the Commission.

Dated: October 18, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

[FR Doc.77-30768 Filed 10-20-77;8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Part 101-30]

ITEM REDUCTION PROGRAM

Proposed Implementation

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: This regulation announces the implementation of a Government-wide item reduction program. The General Accounting Office concluded in a 1974 report to the Congress that the number of similar items within the Government supply system exists due to the lack of adequate agency guidelines. This amendment takes the necessary action by amending the GSA regulations to include an item reduction program.

DATES: Written comments must be received on or before November 15, 1977.

ADDRESSES: Written comments should be sent to the General Services Administration (FAF), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Acting Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406.

SUPPLEMENTARY INFORMATION: Although an item reduction program has existed for several years, the number of items in the Federal supply system has remained relatively constant. This situation was recognized by the Comptroller General of the United States in his October 21, 1974, report to the Congress entitled "Number of Items in Federal Supply Catalog Can Be Reduced," B-146778, which recommended that an adequately defined and coordinated item reduction program be developed.

A subsequent GAO report to the Congress entitled "How the Item Reduction Program of the General Services Administration Could Be More Effective," LCD-76-459, dated July 11, 1977, acknowledged the actions being taken by GSA in response to the 1974 GAO report, and offered additional recommendations relative to strengthening the item reduction program.

In consonance with a recommendation in the 1974 GAO report, a GSA Handbook, Item Elimination, will be published setting forth procedures for implementing the program. In addition, the regulations of GSA are revised to incorporate provisions for a continuing program of item reduction as an integral element to the Federal Catalog System as follows:

PART 101-30—FEDERAL CATALOG SYSTEM

The table of contents for Part 101-30 is amended to add the following entries:

Subpart 101-30.7—Item Reduction Program

Sec.	
101-30.700	Scope of subpart.
101-30.701	Definitions.
101-30.701-1	Item reduction study.
101-30.701-2	Item standardization code.
101-30.701-3	Preparing activity.
101-30.701-4	Standardization relationship.
101-30.702	Determining item reduction potential.
101-30.703	Program objectives.
101-30.704	Agency responsibilities.
101-30.704-1	General Services Administration.
101-30.704-2	Other agencies.
101-30.705	GSA assistance.

Subparts 101-30.8—101-30.48 [Reserved]

Subpart 101-30.7—Item Reduction Program

§ 101-30.700 Scope of subpart.

This subpart defines the objectives of the item reduction program and assigns responsibilities for its operation. Procedures implementing the policy set forth herein are contained in the GSA Handbook, Item Elimination (FPMR 101-30.7), issued by the Commissioner, Federal Supply Service.

§ 101-30.701 Definitions.

As used in this Subpart 101-30.7, the following terms shall have the meanings set forth in this § 101-30.701.

§ 101-30.701-1 Item reduction study.

"Item reduction study" means the study of a group of generally similar items which are subject to evaluation by physical and performance characteristics. This evaluation process identifies items determined to be unnecessarily similar or uneconomical for Government use and which will be considered for removal from Government supply systems. For items so identified, a replacement item shall be proposed. The result of item reduction studies will indicate items which are authorized for procurement or not authorized for procurement.

§ 101-30.701-2 Item standardization code.

"Item standardizatioin code (ISC)" means a code assigned an item in the supply system which identifies the item as authorized for procurement or not authorized for procurement.

§ 101-30.701-3 Preparing activity.

"Preparing activity" means those Government agencies responsible for the preparation of item reduction studies, or those activities authorized by the listed agencies to conduct an item reduction study. The DOD Standardization Directory SD-1 provides such a listing.

§ 101-30.701-4 Standardization relationship.

"Standardization relationship" means the relationship between the replaced item and the replacement item. The replaced item will contain an item standardization code designating the item as not authorized for procurement and therefore must have a replacement item. The relationship of the two items is displayed within the item reduction study by item standardization codes and, upon approval of the study, in the Federal catalog system data base at the Defense Logistics Services Center (DLSC).

§ 101-30.702 Determining item reduction potential.

Item reduction studies are required where there are large numbers of generally similar items which are subject to grouping and examination by item name, item name modifiers, or other characteristics such as sizes, grades, lengths, and materials. Before conducting a full scale item reduction study, the assignee activity shall determine whether sufficient item reduction potential appears to exist. Item reduction studies shall be undertaken only when the expected benefits outweigh the costs of performing the study.

§ 101-30.703 Program objectives.

The objective of the item reduction program is to reduce the varieties and sizes of similar items in the Government supply system by:

(a) Implementing a coordinated item reduction process among supply managers of using activities;

(b) Standardizing items the Government uses;

(c) Ensuring that all participants in item reduction studies give priority to controlling and completing item reduction studies;

(d) Promptly recording decisions in the Federal catalog system data base; and

(e) Phasing out of the Government supply system those items identified in item reduction studies as not authorized for procurement to reduce cataloging, supply management, and warehousing costs; then following through to eliminate the items from agency catalog systems.

§ 101-30.704 Agency responsibilities.

§ 101-30.704-1 General Services Administration.

(a) The General Services Administration (GSA) will develop or authorize other Government agencies to develop item reduction studies on items within the Federal supply classification (FSC) classes for which GSA is the integrated material manager.

(b) GSA, as the civil agency coordinating activity for item reduction studies, will:

(1) Distribute proposed item reduction studies, as appropriate, to all civil agencies recorded as users of the item in the DLSC data base. This distribution will be made by coordination letters in which a time frame for a response will be specified. GSA will interpret each nonresponse to a proposed study to mean that the activity concurs with the study. Extensions, when requested by an agency, will be granted by GSA.

(2) Respond to questions concerning proposed item reduction studies.

(3) Prepare a consolidated civil agency position paper (including comments and nonconcurrences) relative to each study upon receipt of user responses.

(4) Incorporate civil agency positions into proposed item reduction studies prepared by GSA or forward a consolidated civil agency position paper to appropriate preparing activities.

(5) Resolve controversies arising from proposed item reduction study recommendations.

(6) Review approved item reduction studies to ensure that concurrences and nonconcurrences from all civil agencies are accurately reflected.

(7) Register into the Federal Catalog System data base approved item reduction decisions concerning items within the FSC classes which are managed by GSA.

(8) Implement decisions documented in approved item reduction studies within the GSA supply system.

(9) Distribute approved item reduction studies to all recorded civil agency users. All civil agencies (except the United States Coast Guard and the Federal Aviation Administration) will also be forwarded covering letters which will request specific information relative to implementing the studies; i.e., inventory levels of items coded ISC 3. Activities not responding within the time frame specified (60 calendar days) will receive a followup notice before being automatically withdrawn as users of all items coded as not authorized for procurement.

§ 101-30.704-2 Other agencies.

Civil agencies (except the United States Coast Guard and the Federal Aviation Administration) participating in the Federal Catalog System shall:

(a) Conduct a review of the items included in the proposed study by the preparing activity with respect to the ISC to determine the impact the assigned code may have on the agency's supply system.

(b) Prepare and submit written comments on the proposed study to GSA within the time frame specified in the GSA coordination letter, concur with the study, or nonconcur on specific proposed standardization relationships. If comments cannot be prepared and submitted within the time frame specified, an extension shall be requested from GSA.

(c) Review the approved item reduction study and notify GSA in writing if the activity desires to remain or be deleted as a user of any item coded as not authorized for procurement.

(d) Implement within the agency those item reduction decisions resulting from the study.

§ 101-30.705 GSA assistance.

Activities requiring assistance in fulfilling their responsibilities to the program may contact the General Services Administration (FFL), Washington, D.C. 20406.

Subparts 101-30.8—101-30.48 [Reserved]

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

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

Dated: October 4, 1977.

ROBERT P. GRAHAM,
Commissioner, Federal Supply Service.

[FR Doc.77-30725 Filed 10-20-77;8:45 am]

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

[42 CFR Part 121]

"NATIONAL GUIDELINES FOR HEALTH PLANNING"

Public Meetings

AGENCY: Public Health Service, HEW.

ACTION: Notice of public meetings.

SUMMARY: This notice announces public meetings on the National Guidelines for Health Planning. The Guidelines were published as a Notice of Proposed Rulemaking in the FEDERAL REGISTER on September 23, 1977 (42 CFR Part 121). After consideration of the material received in connection with the request for comments at that Notice and the materials developed at the public meetings, the Secretary of Health, Education, and Welfare will by regulation issue final National Guidelines on Health Planning.

DATE: November 7, 8, 15, 16. See Supplementary Information, below.

ADDRESS: The four meetings will be held in Room 727A, DHEW South Portal Building, 200 Independence Avenue SW., Washington, D.C., beginning at 9:30 a.m. of the indicated days.

FOR FURTHER INFORMATION CONTACT:

Daniel I. Zwick, Associate Administrator, OPEL, HRA, Center Bldg., Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7270.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking regarding the National Guidelines for Health Planning was published in the FEDERAL REGISTER on September 23, 1977 (42 CFR

Part 121). The Notice presented for public review and comment eleven standards respecting the appropriate supply, distribution and organization of health resources. Comments must be received by November 22, 1977.

In line with the provisions of section 1501 of the PHS Act, the Secretary is directly soliciting recommendations and comments from health systems agencies, State health planning and development agencies, Statewide Health Coordinating Councils, associations, and specialty societies representing medical and other health care providers, and the National Council on Health Planning and Development. Comments are also being directly solicited from consumer and other groups with special interests in health planning.

In addition, a series of public meetings are planned on the proposed standards to provide an additional opportunity for interested parties to comment on, and discuss the proposed guidelines, the supporting documentation, evidence of potential impact and suggestions for modification. The principal issues to be addressed in these meetings are:

1. Are the most appropriate measures of resources being used?
2. Are the right numerical values being specified?
3. Is there additional evidence to suggest that the numerical values should be modified?
4. What is the evidence concerning the potential impact of the application of the standards?
5. Are the exceptions to the standards appropriate? Should others be specified?
6. Are there alternative measures and numerical values which should be considered?
7. Are there clarifications needed in the definitions or other language contained in the standards or supporting documentation?

The meetings are scheduled as follows:

Mon., Nov. 7	Standards I, II	General hospital beds.
Tues., Nov. 8	Standards III, IV, V, VI.	Obstetrical services. Pediatric inpatient. Neonatal intensive care.
Tues., Nov. 15	Standards, VII, VIII.	Open heart surgery. Cardiac catheterization.
Wed., Nov. 16	Standards IX, X	Radiation therapy. CT scanners.

The four meetings will be held in Room 727A DHEW South Portal Building, 200 Independence Avenue SW., Washington, D.C., beginning at 9:30 a.m. of the indicated days.

A panel of interested parties will be called upon to present their views on the issues listed above. Subsequently, any interested person may present views on the seven questions above, orally or in writing, and on related issues. It is requested that oral statements be limited to ten minutes. Time will be allowed for all participants to ask questions and make briefer comments.

Any individual desiring to present views on these issues is requested to send the information listed below in advance to: The Office of Planning, Evaluation, and Legislation, Health Resources Administration, Center Building, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782.

1. Name.
2. Business Address.
3. Telephone number during normal working hours.
4. Capacity in which presentation will be made (i.e., representative of health systems agency, State health planning and development agency, association or specialty society, consumers, or other interested party).
5. Type of service or facility to be addressed.
6. Principal questions to be addressed.
7. Time desired, which should be 10 minutes or less.
8. Text of presentation, if available, or summary of presentation.

The public and press are invited to attend the meeting, which will be transcribed electronically. The transcription and all written submissions will become a part of the record in this proceeding, which will be available for public inspection and copying at the Office of Planning, Evaluation, and Legislation, Room 10-22, Center Bulding, 3700 East-West Highway, Hyattsville, Md. 20782.

As indicated in the FEDERAL REGISTER Notice on September 23, written statements commenting on the National Guidelines may be offered by any person, including those who testify orally. Such statements should be submitted directly to the Office of Planning, Evaluation, and Legislation prior to November 22, 1977.

Dated October 14, 1977.

HAROLD MARGULIES,
Deputy Administrator, Health Resources Administration.

[FR Doc.77-30673 Filed 10-20-77;8:45 am]

[1505-01]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 426]

ACREAGE LIMITATION

Public Hearings

Correction

In FR Doc. 77-30460, appearing at page 55625 in the issue of Tuesday, October 18, 1977, in the "Summary" paragraph, the last sentence should have read "Because of extensive interest in the hearings, it is anticipated that oral presentations will be limited to 10 minutes for each witness."

[6730-01]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 77-40]

RULES OF PRACTICE AND PROCEDURE; SUBPENAS AND DISCOVERY REQUESTS DIRECTED TO COMMISSION STAFF PERSONNEL; REPLIES TO APPEALS

Extension of Time

AGENCY: Federal Maritime Commission.

ACTION: Further enlargement of time.

SUMMARY: Notice is hereby given that upon request of the Maritime Administrative Bar Association time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (42 FR 40452; August 10, 1977), is enlarged to and including October 21, 1977.

DATE: Comments on or before October 21, 1977.

ADDRESS: Comments to: Secretary, Federal Maritime Commission, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: None.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.77-30764 Filed 10-20-77;8:45 am]

[6730-01]

[46 CFR Part 510]

[Docket No. 77-53]

INDEPENDENT OCEAN FREIGHT FORWARDER BOND REQUIREMENTS

Proposed Increase in Amount and Other Modifications

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission proposes to enact rules and regulations in order to increase the amount of the surety bond required for licensed independent ocean freight forwarders and to make other modifications related thereto. The purpose and effect of the change is to provide greater protection to users of the services of freight forwarders.

DATE: Comments on or before November 21, 1977.

ADDRESS: Comments to: Secretary, Federal Maritime Commission, Room

11101, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority of Sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841a, 841b); and Section 4 of the Administrative Procedure Act (5 U.S.C. 553); the Federal Maritime Commission, hereinafter referred to as the Commission, is authorized and directed to make rules and regulations affecting the activities, obligations, and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in the export commerce of the United States. Section 510.5(g)(3) of the Commission's General Order 4 (46 CFR 510.5(g)(3)) requires that no license to carry on the business of forwarding shall be issued to any person unless such person has filed with the Commission a surety bond in the amount of $10,000.

The original bond has remained the same for fourteen years and economic and practical reasons indicate that the amount of the bond should be increased.

This proposal would increase the amount of the surety bond from $10,000 to $50,000 and would also make other modifications to Section 510.5.

Experience has demonstrated that in many instances of forwarder default, the present amount of the bond does not reasonably cover the measure of protection originally intended.

The bonding requirement was intended to offer some degree of protection to the shipping public in the event a forwarder should cause financial loss to the shipper. It has become apparent through the years that when licensed forwarders experienced financial difficulty, and defaulted on money obligations, usually involving freight monies not paid over to the carriers, the amount of the surety bond has been insufficient to pay the total losses involved. Moreover, the inflationary spiral requires that more financial protection be afforded to clients of freight forwarders because of the dilution creased by this spiral. This is demonstrated by the fact that freight rates, the monies which are received by forwarders from principals to be paid to carriers, have doubled and tripled since the original bond for $10,000 was established. In addition, the requirements to obtain such a bond would force the applicant forwarder to demonstrate some substantial degree of financial responsibility and the surety company would require a higher degree of financial responsibility from the forwarder.

The Commission is, therefore, of the belief that the amount of the bond should be increased to $50,000.

Under the proposal, additional modifications of Section 510.5 would:

(1) Eliminate paragraphs (g) (1) and (2), which are obsolete provisions pertaining to "grandfather" rights of forwarders and now serve no useful purposes.

(2) Redesignate paragraph (g)(3) as (g)(1) and amend to reflect the increased bond sum of $50,000. A new paragraph to be designated Section 510.5(g)(2) is added to provide for a deadline for existing licensees to file the increased bond.

(3) Eliminate paragraph (h)(1) pertaining to temporary bonding because it now serves no useful purpose.

(4) Redesignate paragraph (h)(2) as paragraph (h)(1) and revise as follows:

(1) The Commission shall notify applicants for license of their qualification for issuance of a license. Within 30 days of such notice the applicant shall file with the Commission a surety bond in the form and amount prescribed in paragraph (g) of this section. The Commission may, upon a showing of good cause, extend the time within which to file said surety bond.

(5) Redesignate paragraph (h)(3) as paragraph (h)(2) and revise to read:

If the applicant shall not have submitted the surety bond required under paragraph (g)(1) of this section within the period specified in paragraph (h)(1) or otherwise authorized, the Commission shall return the application to the applicant for failure to prosecute its application in accordance with this section.

Under present paragraph (h)(3), the Commission must issue a notice of intent to deny an application and afford the applicant an opportunity for hearing merely because he has failed to file the required bond. The filing of a bond by an applicant prior to licensing is mandatory under General Order 4 and Section 44 of the Shipping Act, 1916. To require a hearing under circumstances where no bond has been furnished is time-consuming and unnecessary. The fact is that an applicant must furnish the required bond or he cannot be licensed. The applicant by not obtaining the required bond in the allotted period of time has failed to properly prosecute his application and it therefore appears this failure warrants return of the application to the applicant.

Therefore, pursuant to Sections 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841a, 841b); and Section 4 of the Administrative Procedure Act (5 U.S.C. 553), the Commission proposes to revise paragraphs (g) and (h) of § 510.5, Title 46 CFR as follows:

§ 510.5 [Amended]

1. Delete § 510.5 (g)(1) and (g)(2).

2. Redesignate § 510.5(g)(3) as § 510.5 (g)(1) and revise to read as follows: person to whom this paragraph is applicable unless such person has filed with the Commission a surety bond in the amount of $50,000 on Form FMC-59 as set forth below.

3. Add the following paragraph and designate as § 510.5(g)(2):

(2) Every licensee shall file with the Commission on or before _____, 19____, a surety bond in the amount of $50,000 on Form FMC-59 as set forth below; otherwise such license issued to the licensee shall be revoked in accordance with Section 510.9 of this part.

4. Delete § 510.5(h)(1) and redesignate § 510.5(h)(2) as § 510.5(h)(1) and revise as follows:

(1) The Commission shall notify applicants for license of their qualification for the issuance of a license. Within 30 days of such notice the applicant shall file with the Commission a surety bond in the form and amount prescribed in paragraph (g) of this section. The Commission may, upon a showing of good cause, extent the time within which to file said surety bond.

5. Redesignate § 510.5(h)(3) as § 510.5 (h)(2) and revise to read:

(2) If the applicant shall not have submitted the surety bond required under paragraph (g)(1) of this section, within the period specified in paragraph (h)(1) or otherwise authorized, the Commission shall return the application to the applicant for failure to prosecute its application in accordance with this section.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in this proceeding and shall file Reply to Comments on or before December 12, 1977, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's reply shall be submitted to the Federal Maritime Commission on or before December 27, 1977.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.77-30696 Filed 10-20-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 77-10-57; Docket 31426]

AMERICAN AIRLINES, INC. AND EASTERN AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of October, 1977.

By tariff revisions[1] marked to become effective October 19, 1977, American Airlines, Inc. (American) and Eastern Air Lines, Inc. (Eastern) propose to increase passenger fares in the U.S. mainland-Puerto Rico/Virgin Islands market by five percent for travel on and after November 1, 1977.[2] American combined its results with those submitted earlier by Eastern for the year ended June 1977, applied the ratemaking adjustments mandated by the Board's decision in the *Mainland U.S.-Puerto Rico/Virgin Islands Fares* case, Docket 24353, and calculates that the entity return on investment (ROI) will be 8.3 percent with the requested increase. American's calculations project costs six weeks beyond the travel-effective date. Eastern has computed the ratemaking ROI to be 7.6 percent with the increase, moving three months beyond the travel-effective date. Both carriers claim that an increase approaching 10 percent is justifiable and would not produce an ROI in excess of 12 percent.

The Commonwealth of Puerto Rico (Commonwealth) has filed a complaint alleging essentially that the mainland-Puerto Rico market has already been subjected to fare increases of 2.9 and 3.0 percent this year, and that the requested increase will bring the total to 10.9 percent. It argues that such an increase in one year is unreasonable, particularly in view of the fact that cumulative increases in the 48-State and mainland-Hawaii entities have been considerably less. The Commonwealth further contends that the Board should not only look at the impact of the increase on the carriers' ROI but must also evaluate the impact of such an increase on the movement of traffic. The Commonwealth believes that the proposed increase will inhibit travel and have an adverse effect on the tourist industry of Puerto Rico.

The Board finds that the complaints do not set forth sufficient facts to warrant investigation and consequently the requests for suspension will be denied and the complaints dismissed.

Consistent with the Board's decision in the *Mainland U.S.-Puerto Rico/Virgin Islands Fares* case, the combined results of the carriers for the year ended June 1977 have been adjusted to reflect established ratemaking standards to determine return on investment (ROI) for operations in this entity with the requested five percent increase. Included in our calculation is the application of a cost inflation factor brought forward to February 1, 1978,[3] three months beyond the fare-application date. While fare increases in this entity have not occurred with quite the same frequency as has been the case within the 48 States there have nevertheless typically been more than two per year.[4] Therefore, we think it appropriate to use the same time projection (three months) as has been adopted for use in the continental 48 States and, absent extraordinary circumstances, we will expect that increases in this entity will also be held to two per year. The final result of our calculations indicates an adjusted ROI of 9.33 percent, as compared with 10.97 percent were we to apply our former methodology of projecting costs only to the travel-effective date. (See Appendix A.)[5] Since both of these figures are markedly below the 12 percent standard, we will permit the proposed increase to become effective.

The Commonwealth is correct in observing that the magnitude of the fare increases in the Puerto Rico/Virgin Islands (PR/VI) entity (including the five-percent increase proposed here) has been greater over the past year than in the 48-State entity. This reflects the fact that American and Eastern have experienced higher unit-cost increases than the industry average, i.e., the impact of these carriers' unit-cost increases are not diluted by lower rates of increase by other carriers in the PR/VI entity as is the case in the 48 States. In particular, the nonfuel unit-cost increase in the PR/VI entity was 7.445 percent for the year ended June 1977 versus June 1976, whereas year ended June 1976 nonfuel costs increased 4.544 over June 1975. Comparable figures for 48-state operations were 5.012 percent June 1977 over June 1976, and 7.710 percent June 1976 over June 1975. Similarly, PR/VI fuel increased 4.919 percent for the year ended June 1976 versus June 1975, but jumped to a 13.705 percent increase June 1977 versus June 1976.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002,

It is ordered that:

1. The complaints in Dockets 31455 and 31426 are dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Eastern Air Lines, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30784 Filed 10-20-77;8:45 am]

[1] Revisions to American Airlines, Inc. Tariff CAB No. 244 and Eastern Air Lines, Inc. Tariff CAB No. 448.

[2] Eastern initially filed to increase fares by 3 percent, based on combined carrier results for calendar year 1976. It also submitted its own results for the year ended June 1977. Eastern subsequently canceled that filing and filed for a 5-percent increase using up-to-date data.

[3] Fuel cost was projected at the level reported for August 1977, for both carriers.

[4] We recognize that, since adjusted ROI is well below 12 percent, the carriers are likely to seek a further increase in several months to catch up with allowable ROI.

[5] The details of the Board's analysis will be available for public inspection in the Public Reference Room, Room 710, October 14, 1977. Appendix A filed as part of the original document.

[6] All members concurred.

[6320-01]

[Order 77-10-53; Docket 23123 Agreement CAB 26916 R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Issued under delegated authority October 13, 1977.

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 Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above CAB agreement number.

The agreement would amend first-class, economy-class and creative fares between points within the Middle East. We will approve those portions of the agreement governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the balance of the agreement

which governs noncombinable fares and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation as defined by the Act. are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26916:			
R-1	052	TC2 1st-Class Fares (Amending)	2 (within M. East).
R-2	062	TC2 Economy-Class Fares (Amending)	Do.

2. It is not found that the following resolution, incorporated in the agreement as indicated, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26916:			
R-3	072b	TC2 Creative Fares Except Europe (Amending)	2 (within M. East).

Accordingly, it is ordered that:

1. Those portions of Agreement CAB 26916 described in finding paragraph 1 above and which have indirect application in air transportation as defined by the Act are approved; and

2. Jursidiction is disclaimed with respect to that portion of Agreement CAB 26916 described in finding paragraph 2 above.

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 upon expiration of the above period, 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.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30781 Filed 10-20-77;8:45 am]

[6320-01]

[Order 77-10-46; Docket 27573; Agreement CAB 26929, R-1 through R-5]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority October 13, 1977.

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 Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific rates.

The agreement would establish new specific commodity rates under one new and four existing commodity descriptions as set forth in the Attachment, reflecting reductions from general cargo rates, and was adopted pursuant to unprotested notice to the carriers and promulgated in IATA letters August 26-30, 1977.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the Act provided that approval is subject to the conditions ordered.

Accordingly, *It is ordered,* That: Agreement C.A.B. 26929, R-1 through R-5, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained there for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

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.

PHYLLIS T. KAYLOR,
Secretary.

Agreement CAB	Specific commodity item No.	Description and rate
26929:		
R-1	8397	Optical goods, photographic and projection equipment: 208c per kilogram, minimum weight 200 kg. 190c per kilogram, minimum weight 500 kg. 173c per kilogram, minimum weight 1,000 kg. From Seoul to Los Angeles. 241c per kilogram, minimum weight 200 kg. 217c per kilogram, minimum weight 500 kg. 205c per kilogram, minimum weight 1,000 kg. From Seoul to New York. 205c per kilogram, minimum weight 100 kg. 183c per kilogram, minimum weight 500 kg. From Taipei to Los Angeles. 238c per kilogram, minimum weight 100 kg. 215c per kilogram, minimum weight 500 kg. From Taipei to New York.
R-2	9244	Fishing equipment consisting of cords, hooks, lures, reels, and rods: 229c per kilogram, minimum weight 100 kg. 190c per kilogram, minimum weight 500 kg. 184c per kilogram, minimum weight 1,000 kg. From Taipei to Los Angeles. 261c per kilogram, minimum weight 100 kg. 222c per kilogram, minimum weight 500 kg. 216c per kilogram, minimum weight 1,000 kg. From Taipei to New York.
R-3	0006	Foodstuffs, spices and beverages: 241c per kilogram, minimum weight 300 kg. 209c per kilogram, minimum weight 500 kg. From Honolulu to Brisbane.
R-4	2237	Manufactured products from lamb/sheep skins (excluding wearing apparel):[1] 190c per kilogram, minimum weight 100 kg. 139c per kilogram,[2] minimum weight 500 kg. 118c per kilogram,[2] minimum weight 1,000 kg. From Sydney to Los Angeles.
R-5	4201	Surface vehicles—excluding steamship and/or motorship parts: 140c per kilogram,[2] minimum weight 1,000 kg. From Christchurch to Los Angeles.

[1] New description.
[2] Expires Dec. 31, 1978.

[FR Doc.77-30782 Filed 10-20-77;8:45 am]

[6320-01]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

[Order 77-10-50; Docket 27573; Agreement C.A.B. 26913, R-1 through R-3]

Specific Commodity Rates

Issued under delegated authority October 13, 1977.

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 Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names two specific commodity rates under existing commodity rates.

The agreement names two specific commodity rates under existing commodity descriptions and adds one new rate with a new specific commodity description as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated September 20, 1977.

Agreement CAB	Specific commodity item No.	Description and rate[1]
26913:		
R-1	6109	Human blood: 110c per kilogram,[2] minimum weight 500 kg. From New York to Zurich.
R-2	0460	Mangoes: 76c per kilogram,[3] minimum weight 100 kg. From Papeete to Los Angeles.
		minimum weight 100 kg. From Papeete to Los Angeles.
R-3	1400	Floral, and/or nursery stock and bulbs, flowers, seeds and tubers: 120c per kilogram, minimum weight 100 kg. From Papeete to Los Angeles.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires Mar. 31, 1978.
[3] Expires Dec. 31, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions ordered.

Accordingly, *It is ordered*, That: Agreement C.A.B. 26913, R-1 through R-3, is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

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 will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30783 Filed 10-20-77;8:45 am]

[6320-01]

[Order 77-10-16[1]; Docket 30976]

TRANS WORLD AIRLINES, INC.

Order To Show Cause Erratum

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1977.

Order 77-10-16, October 6, 1977, inadvertently omitted TWA's name in paragraph 3 on page 1 which should read: "In addition, American contends that fill-up authority will provide TWA, by means of tacking, * * *"

Also, the first paragraph on page 2 should be corrected as follows:

"TWA filed a motion to file an unauthorized reply to American's answer, which we will deny."

Dated: October 14, 1977.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-30780 Filed 10-20-77;8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Civil Service Commission to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Chairman for Transition Planning, Office of the Chairman.

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

[FR Doc.77-30552 Filed 10-20-77;8:45 am]

[1] Subject to applicable currency conversion factors as shown in tariffs.
[1] Published at 42 FR 55250, October 14, 1977.

[6325-01]

CIVIL SERVICE COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Civil Service Commission to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Chairman, Office of the Chairman.

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

[FR Doc.77-30553 Filed 10-20-77;8:45 am]

[6325-01]

DEPARTMENT OF LABOR

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Policy Analysis, Integration and Evaluation, Office of the Assistant Secretary, Occupational Safety and Health Administration.

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

[FR Doc.77-30551 Filed 10-20-77;8:45 am]

[6325-01]

DEPARTMENT OF TRANSPORTATION

Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Federal Highway Administration.

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

[FR Doc.77-30554 Filed 10-20-77;8:45 am]

[6325-01]

DEPARTMENT OF THE TREASURY

Executive Assignment

By notice of February 11, 1975, FR Doc. 75-3953 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant Secretary (Tariff Affairs), Office of the Assistant Secretary for Enforcement, Operations and Tariff Affairs, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy to the General Counsel for Tariff Affairs, Office of Tariff Affairs, Office of the General Counsel, Office of the Secretary.

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

[FR Doc.77-30555 Filed 10-20-77;8:45 am]

[6325-01]

DEPARTMENT OF TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary (Transition Planning), Office of the Under Secretary, Office of the Secretary.

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

[FR Doc.77-30556 Filed 10-20-77;8:45 am]

[3510-49]

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration

MEETING

The National Academy for Fire Prevention and Control of the National Fire Prevention and Control Administration will hold meetings from 9 a.m. to 5 p.m. in each of the Federal Regions to present the National Academy for Fire Prevention and Control's education and training program for fiscal year 1978 to state and local fire protection representatives. The meeting schedule is as follows:

REGION I

Thursday, November 3, 1977, Hilton Inn, Room 320, Logan International Airport, East Boston, Mass. 02128.

REGION II

Friday, November 4, 1977, Hilton Inn at JFK, Room 415, 138-10 135th Avenue, Jamaica, N.Y. 11436.

REGION III

Friday, October 21, 1977, National Fire Prevention and Control Administration, Room 114, 2400 M Street NW., Washington, D.C.

REGION IV

Friday, November 18, 1977, Atlanta Airport Hilton Inn, Cherokee Room, 1031 Virginia Avenue, Hapeville, Ga. 30354.

REGION V

Tuesday, November 22, 1977, Sheraton Inn—O'Hare South, Red Carpet Room, 3939 North Mannheim Road, Schiller Park, Ill. 60176.

REGION VI

Wednesday, November 30, 1977, Airport Marina Hotel, Room 207, P.O. Box 61025, Dallas/Fort Worth Airport, Tex. 75261.

REGION VII

Monday, November 28, 1977, Marriott Hotel, Crew Lounge, Kansas City International Airport, 775 Bralzia Avenue, Kansas City, Mo. 64195.

REGION VIII

Monday, November 7, 1977, Sheraton-Denver Airport, Arena 3, 3535 Quebec Street, Denver, Colo. 80207.

REGION X

Wednesday, November 9, 1977, San Francisco Airport Hilton, Terrace Room, International Airport, San Francisco, Calif. 94128.

REGION X

Friday, November 11, 1977, Seattle Airport Hilton, Snoqualmi Room, 17620 Pacific Highway South, Seattle, Wash. 98188.

Discussion topics will include: The proposed Academy course delivery policy, an education and training program overview, the regional course schedule, and resolution of regional delivery issues.

Members of the general public who plan to attend a meeting should provide their name, affiliation, address, and which regional meeting they plan to attend to Ms. Kay Shaw, National Fire Academy, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036, telephone: 202-634-7541.

Dated: October 17, 1977.

DAVID A. LUCHT,
Deputy Administrator, National Fire Prevention and Control Administration.

[FR Doc.77-30849 Filed 10-20-77;8:45 am]

[3510-12]

National Oceanic and Atmospheric Administration

INTERNATIONAL AGREEMENT

Closing of the Directed Fishery for Haddock in ICNAF Area 4X

On July 26, 1977, the President signed into law an amendment to the Fishery Conservation Zone Transition Act which implemented the Reciprocal Fisheries Agreement between the United States and Canada signed on February 24, 1977.

Under the terms of this Agreement the United States had an allocation of 1,500 metric tons of haddock in that portion of Canada's exclusive fisheries zone designated Subarea 4X by the International Commission for the Northwest Atlantic Fisheries, (ICNAF).

Under the terms of the Reciprocal Fisheries Agreement, notice is hereby given that the Director, National Marine Fisheries Service, has determined that

United States vessels fishing for haddock in Subarea 4X have reached the accumulative and estimated prospective 1,500 metric ton commercial quota for haddock in 1977.

I hereby announce that the season for taking the commercial catch of haddock in Subarea 4X in a directed fishery by persons and vessels subject to the jurisdiction of the United States will terminate on October 21, 1977. During such time as the directed fishery is closed no person or vessel in the commercial fishery shall land more than 5,510 pounds (2.5 metric tons) or 10 per cent by weight of all other fish on board, per trip, whichever is greater, of haddock taken in Subarea 4X.

Issued at Washington, D.C., and dated October 19, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

OCTOBER 19, 1977.

[FR Doc.77-30867 Filed 10-20-77;8:45 am]

[3510-12]

MID ATLANTIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

The Scientific and Statistical Committee of the Mid Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet November 9 and 10, 1977, at the Sheraton Inn 1570 North Du Pont Highway, Dover, Del. The meeting starts at 9 a.m. on November 9 and will adjourn at about 3 p.m. on November 10, 1977.

Proposed Agenda: Fishery Management Plans, Roster of Experts, and Administrative matters.

The meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Del. 19901, telephone 302-674-2331.

Dated: October 18, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-30743 Filed 10-20-77;8:45 am]

[3510-12]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Cancellation of Meeting

The meeting of the North Pacific Fishery Management Council, and its Scientific and Statistical Committee, and Advisory Panel scheduled for October 26-28, 1977, in the Council offices, statement pursuant to the National En- Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, and Jury Assembly Room 401, State Court Building, 3d and K Streets, Anchorage, Alaska, as published in the FEDERAL REGISTER, Vol. 42, No. 173, on Wednesday, September 7, 1977, (42 FR 44828), has been canceled.

The next meeting is scheduled for November 30, through December 2, 1977, at Anchorage, Alaska.

Dated: October 19, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-30842 Filed 10-20-77;8:45 am]

[3510-12]

TRAWLER CLIPPER, INC.

Transfer of a Fishing Vessel to a Company Under Foreign Ownership; Receipt of Application for Approval

Notice is hereby given that on September 15, 1977, the Maritime Administration of the Department of Commerce received an application from Trawler Clipper, Inc., 88 Ten Hills Road, Somerville, Mass. 02145 for approval of the sale of the 79.1' registered length vessel *Clipper* O.N. 251019 to Boat Lilly and Josie, Inc., R78 Commercial Street, Gloucester, Mass. 01930. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835) because 50 percent of company is owned equally by Silvestro Maniscalco and Giuseppa Maniscalco who are Italian citizens, and the contemplated transfer would subject the vessel to foreign control. The prospective purchaser plans to operate the vessel for groundfish and shrimp in the Northwest Atlantic Ocean.

The Maritime Administration is the Federal Agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application.

Before responding, the service is soliciting the written comments of interested persons in regard to this application. Such comments should be addressed to the Director, National Marine Fisheries Service, Washington, D.C. 20235, and received on or before November 21, 1977. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: October 18, 1977.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.77-30895 Filed 10-20-77;8:45 am]

[3510-12]

WISCONSIN COASTAL ZONE MANAGEMENT PROGRAM

Public Hearing on Draft Environmental Impact Satement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the draft environmental impact statement for the Coastal Management Program of the State of Wisconsin.

The hearing will be held on Thursday, November 17, 1977, from 5 p.m. to 8 p.m. in Room 314 Northwest, State Capitol Building, Madison, Wis.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-served basis, but may be limited to a maximum of ten minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his/her statement. No verbatim transcript of the hearing will be maintained; but staff present will record the general thrust of the remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

June Cradick, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven St. NW., Washington, D.C. 20235, phone 202-634-4242.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments should be received before December 5, 1977, to assure adequate consideration for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

Caryl Terrell, Office of State Planning and Energy, One West Wilson Street, Rm. B-139, Madison, Wis. 53702, phone 608-266-3697.

Comments may address the adequacy of the impact statement and/or the nature of the Wisconsin Coastal Management Program.

Following consideration of the comments received at these hearings, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact

vironmental Policy Act of 1969 and implementing guidelines.

Dated: October 18, 1977.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.77-30744 Filed 10-20-77;8:45 am]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

The following is a list of environmental impact statements received by the Council on Environmental Quality from October 10 through October 14, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (December 5, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Final

De Soto National Forest Timber Plan, several counties in Mississippi, October 11: Proposed is the implementation of a new 10-year Timber Management Plan for the De Soto National Forest. The Forest contains 501,391 acres of National Forest land in Jones, Wayne, Greene, Forrest, Perry, Pearl River, Stone, George, Harrison, and Jackson Counties, Miss. An estimated 4,431 acres will be site prepared and reforested annually. This plan will replace the current timber management plans which expire September 30, 1977. About 100 acres of fertilization will be done as a pilot project to be expanded over the period of the plan if successful. Comments made by: ERDA, HEW, DOI, EPA, State agencies, concerned groups, and individuals. (ELR Order No. 71268.)

Tiak Unit Plan, Ouachita National Forest, McCurtain County, Okla., October 11: The proposed action is to manage, administer and utilize the forest resources of the 43,133-acre Tiak Planning Unit, Ouachita National Forest, from October 1, 1976, to September 30, 1986. Major actions involved are regenerating commercial timber stands on 7,434 acres, thinning timber stands on 7,434 acres, thinning timber on 12,000 acres, improving wildlife habitat, providing additional dispersed recreation to meet needs of expected recreation users, and constructing 48 miles and reconstructing 39 miles of roads. Effects will result on soils, water quality, vegetation, wildlife and forest aesthetics. Comments made by: USDA, DOI, EPA, State and local agencies, concerned groups, and individuals. (ELR Order No. 71270.)

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Contact: Claude Freeman, Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20013, 202-447-3677.

Supplement

1978 Wheat and Grain Set-Aside Program (S-1), October 14: This supplement concerns the Wheat and Feed Grain Set-Aside Program—the concept of using a set-aside of cropland to adjust production of certain crops—as provided for in the Food and Agriculture Act of 1977. The concept of set-aside of cropland is not changed by the new Act from that in the 1970 Act; however, major changes were made in details of the authorized program. These changes include elimination of the conserving base concept, limitations on set-aside requirements for summer fallow farms, and continuation of the target price concept. Other changes and their respective impacts are discussed. (ELR Order No. 71295.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Commercial Troll Fisheries Off Alaska, Alaska, October 14: The proposed action is to adopt and implement a fishery management plan for the commercial troll fisheries off the coast of Alaska under provisions of Title III of the Fishery Conservation and Management Act of 1976, Pub. L. 94-265. The purpose of the management plan is to manage the troll fishery off the coast of Alaska for the optimum yield, and to allocate harvest between domestic and foreign fishermen. No significant adverse effects are anticipated. (ELR Order No. 71286.)

Wisconsin Coastal Management Program, Wisconsin, October 14: Proposed is the approval of the Coastal Management Program application of the state of Wisconsin pursuant to the Coast Zone Management Act, Pub. L. 92-583. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State, and require that Federal actions be consistent with the program. Approval and implementation of the program will restrict certain land and water uses in parts of the Lake Superior and Lake Michigan coasts of Wisconsin while promoting and encouraging development and use activities in other parts. (ELR Order No. 71285.)

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. Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

False River and Fisherman's Cut, Temporary Rock Barrier, Contra Costa County, Calif., October 13: Proposed is the granting of a Department of Army Permit to the California Department of Water Resources for the installation of two rock barriers, one in False River and one in Fisherman's Cut, in Contra Costa County, Calif. The purposes of the barriers are to reduce salinity intrusion in the Western Delta and conserve water in Oroville Reservoir. Adverse impacts include closure of the two waterways to through boating traffic, decline in water quality, and disruption of fish migration and habitat. (Sacramento District.) (ELR Order No. 71283.)

Final

Altamaha, Oconee, and Ocmulgee Rivers, Snagging, several counties in Georgia, October 12: The proposed action is the maintenance of the channels in the Altamaha, Oconee, and Ocmulgee Rivers. The project will consist of selective clearing and snagging by snagging vessels within the 60 to 100 foot wide channel along a total stream length of 474 miles for purposes of continued recreation and navigation. Adverse impacts include the reduction in potential fish habitat and encouragement of continued use by power boats. (Savannah District.) Comments made by: EPA, HEW, DOI, HUD, State and local agencies, concerned groups, and individuals. (ELR Order 71280.)

Killen Generating Station, Units 1 and 2, Adams County, Ohio, October 11: Proposed is the construction of a power plant in Adams County to meet the increasing need for electricity. Potential adverse impacts would include the discharge of ash and station waste into the Ohio River, discharge of gases and combustion products, addition of chemicals to water used in and passing through the station system, disturbance of shorelines and river bottom during construction, loss of wildlife, and relocation of people. (Huntington District.) Comments made by: EPA, DOI, USDA, FPC, DOT, AHP, and State agencies. (ELR Order No. 71271.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Supplement

Livermore-Amador Valley Wastewater (S-1), Alameda County, Colo., October 12: The purpose of this supplement is to update the final EIS on the proposed wastewater management program of the Livermore-Armador Valley Water Management Agency (LAVWMA). The proposed project would consist basically of a 15.62 mgd-ADMM (million gallons per day—average day maximum month) capacity pipeline to export secondarily treated effluent from the LAVWMA export pump station in Pleasanton to a connection with the planned East Bay Dischargers Authority interceptor located in San Leandro. (ELR Order No. 71279.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Mira Vista Hills Development, Contra Costa County, Calif., October 12: Proposed is the acceptance for mortgage insurance purposes of the Mira Vista Hills Development in Antioch, Calif. The proposed project calls for development of 314 acres of vacant agricultural land in a residential subdivision which will provide a maximum of 777 single-family homes together with an elementary school site and two park sites. Adverse effects include increased strain on existing sewage treatment capacity and water systems. (ELR Order No. 71275.)

Venus Gardens Development, Puerto Rico, October 11: Proposed is the acceptance for mortgage insurance purposes of the Lincoln

Green Subdivision in Harris County, Tex. The project calls for development of approximately 1,600 acres into a planned community composed of single-family homes, including patio homes and townhomes, apartments, and some commercial reserves. Adverse effects include the loss of agricultural land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71269.)

Woodland Oaks Subsdivision, Harris County, Tex., October 11: Proposed is the acceptance for mortgage insurance purposes of the Oakland Oaks Subdivision in Harris County, Tex. Project plans call for the development of 475.907 acres into a community composed of single-family homes. Adverse effects include the loss of wooded land and an increased demand for fossil fuels through heavy dependence on the automobile. (ELR Order No. 71272.)

North Forest Subdivision, Montgomery County, Tex., October 12: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 199.816 acre North Forest Subdivision located in Montgomery County, Tex. When completed in approximately six years, the subdivision will contain approximately 763 single family homes, plus some possible proposed multi-family housing, commercial, and recreational facilities to serve the needs of the subdivision. Adverse effects include the loss of potential forest land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71276.)

Charterwood Subdivision, Harris County, Tex., October 12: Proposed is the acceptance for mortgage insurance purposes of the Charterwood Subdivision in Harris County, Tex. Project plans call for the development of the 292.6988-acre area into a community composed of single-family homes. Adverse effects include the loss of wooded land and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. (ELR Order No. 71278).

Final

Kenswick Subdivision, Harris County, Tex., October 12: Proposed is the approval of FHA mortgage insurance for the Kenswick subdivision in Harris County, Tex. Plans call for the development of 724 acres into a planned community composed of 2,300 single-family homes with some commercial reserves. In addition to the residences, the subdivision will have recreational facilities to include one bathhouse, one 25-meter swimming pool, playground facilities, and tennis courts, as well as some open space. Adverse effects include loss of forestland and an increased demand for fossil fuels through heavy dependence on the automobile for transportation. Comments made by: AHP, USDA, COE, DOI, EPA, State and local agencies, concerned groups and individuals. (ERL Order No. 71277.)

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

Denver, Colo.—Sloan Lake Sanitary Sewer. Denver County, Colo., October 13: Proposed are improvements to the existing Sloan Lake Sanitary Sewer System in Denver, Colo. Plans call for the replacement of existing aged or damaged main sanitary sewer lines in the drainage basin. Construction-related impacts are expected, as well as socio-economic impacts due to an increased population. Comments made by: EPA, and State and local agencies. (ELR Order No. 71284.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Jackson Hole Airport Improvemnts, Teton County, Wyo., October 12: Proposed are various short-term improvements for the Jackson Hole Airport, Grand Teton National Park, Wyo., as recommended in the airport master plan. Included in the first 5-year short-term development plan are the following: extension of the runway and taxiway, and high intensity runway edge lights; remarking of both runway ends; relocation of Instrument Landing System guide slope antenna; and installation of Visual Approach Slope Indicator at both runway ends. Noise increases will result. (Rocky Mountain Region.) (ELR Order No. 71281.)

Final

Southwest Florida Regional Airport, Lee County, Fla., October 12: The proposed action calls for construction of the Southwest Florida Regional Airport in Lee County, Fla. Plans for the new air carrier airport include construction of an air traffic control tower, an 8,400' x 150' air carrier runway, a 3,600' x 75' general aviation runway, and a terminal with support facilities. The project will require acquisition of 3,185 acres of land and will expand existing facilities to meet the projected 1982 demand level of 2,600,000 enplaned passengers per year. Adverse impacts include loss of agricultural land, relocation of 19 families, and occurrence of wind and water erosion due to clearing activities. Comments made by: DOI, EPA, DOT, HEW, USDA, DOC, AHP, State and local agencies, concerned groups, and individuals. (ELR Order No. 71274.).

Supplement

Civil SST, Noise Reg. and Type Certif. (S-1), October 11: This statement supplements a draft EIS filed with CEQ in April 1977, and relates to: (1) promulgation of a noise-type certification rule applicable to current supersonic aircraft, and (2) promulgation of operational regulations applicable to supersonic aircraft. Supplemental information provided consists of the potention environmental impacts associated with the specific actions proposed in the draft EIS. These impacts include upper atmospheric pollution from aircraft emissions, low-altitude engine emissions' effect on ambient air quality, and impact of first-generation SSTs on airports. (ELR Order No. 71273.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-264, Portsmouth and Norfolk, Va., October 11: Proposed is the construction of new facilities which will complete the interstate segment between the present terminus of Interstate Route 264 in Portsmouth and Downtown Norfolk. The project would extend from Des Moines Avenue in Portsmouth to Brambleton Avenue in Norfolk, and would be between 2.3 and 3.0 miles in length. Adverse effects include the displacement and relocation of from 16 to 72 families, 2 to 6 businesses, and 0 to 3 non-profit organizations. Construction of the project facilities would require dredging of the Southern Branch of the Elizabeth River and disposal of dredge material. (Region 3.) (ELR Order No. 71267.)

NICHOLAS C. YOST,
General Counsel.

[FR Doc.77-30715 Filed 10-20-77;8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 13, 1977.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group, Air Force Systems Command, will hold meetings on November 29, 1977, from 8 a.m. to 5 p.m. and on November 30, 1977, from 8 a.m. to 1 p.m. at Wright-Patterson Air Force Base, Ohio, in Room 276, Building 828.

The Group will receive classified briefings and participate in classified discussions relative to the Foreign Technology Division's assessment of foreign aero-propulsion and rocket propulsion technology and systems. Analytic techniques in developing the propulsion system assessments will also be discussed.

The meetings concern matters listed in Section 552b(c), Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-30745 Filed 10-20-77;8:45 am]

[3710-08]

Department of the Army

DISCHARGE REVIEW BOARDS AND BOARDS FOR CORRECTION OF MILITARY RECORDS

Armed Forces Discharge Review/Correction Boards Reading Room—Operating Procedures

In FR Doc. 77-5000, published in the FEDERAL REGISTER (42 FR 9699) of February 17, 1977, and (42 FR 10028) of February 18, 1977, the Department of the Army published notice that an index of discharge cases decided by the Army, Navy, and Air Force Discharge Review and Correction Boards will be available for public inspection and distribution by sale at a public reading room within the Washington, D.C., metropolitan area.

Notice is hereby given that the Armed Forces Discharge Review/Correction Boards Reading Room has been established on the public concourse of the Pentagon in compliance with the Stipulation of Dismissal in the Case of *Urban Law Institute of Antioch College, Inc., et al. v. Secretary of Defense, et al.*

The reading room is operational from 0730–1600 hours. Monday through Friday, excluding Federal holidays. Desk space is available for review of documents, and paper copies of documents may be made on the premises.

Policy for the distribution of documents and assessment of fees by the reading room is as follows:

1. DECISIONAL DOCUMENTS.

a. Visitors to the reading room may reproduce individual case documents without charge on reproduction equipment located in the reading room.

b. Case documents may be provided by mail subject to the following restrictions.

(1) The number of case documents which may be provided by mail, without charge, is limited to no more than 25 cases per requesting individual or organization each 30-day period. Additional documents will be provided at a charge of $0.10 for each page.

(2) Requests for case documents should identify the documents being requested by specific case numbers as contained in the index, or otherwise identify the type decisions desired (i.e., service, Board, type relief requested, issues addressed). In the latter instance, cases will be selected from the file by the reading room staff.

2. INDEX OF DECISIONS.

a. A current copy of the index of decisions will be on-hand in the reading room at all times for use by visitors.

b. The index will be available to the public for sale in the reading room or by mail. The following policies apply to sale of the index.

(1) The index may be made available to the public in any one of several formats.

(a) Total Index (Part I and Part II).

(b) Part I, only—Listing of decisions in case number sequence, grouped by Boards.

(c) Part II, only—Listing of decisions in groupings according to issues addressed.

(d) Any specific pages requested from either Part I to Part II.

(2) In all the above options, the first 20 pages will be provided at no charge. Additional pages will be provided at a charge of $0.10 each.

(3) Unless specifically requested otherwise, it will be assumed that a request for the index is a request for Part II only. This procedure will reduce costs to the requester while providing the requester with that portion of the index considered to be most useful.

3. Mail requests from individuals or organizations located within the Washington, D.C., metropolitan area will not be honored.

4. When fees are required, costs will be quoted to the requester along with an explanation of the required form of payment. Receipt of payment by the Reading Room is required prior to mailing requested documents. Requests for waiver of fees will be considered on a case-by-case basis.

5. Mail requests or inquiries should be sent to: Director, DA Military Review Boards Agency, ATTN: SFBA (Reading Room), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT:

LTC James M. Danley, Military Assistant, 202–695–5704.

Dated: September 30, 1977.

FRANCIS X. PLANT,
Director, Army Military Review Boards Agency.

[FR Doc.77-30712 Filed 10-20-77;8:45 am]

[3810-70]

Office of the Secretary

DOD COMMERCIAL COMMODITY ACQUISITION PROGRAM

Notice to Individuals and Industry

Notice is given that the Department of Defense is considering amendments to Directives, Instructions and Regulations to implement further the Office of Federal Procurement Policy (OFPP) "Acquisition of Commercial Products" (full text contained in the FEDERAL REGISTER volume 41, No. 425, 12-20-76, pp 55399–55404). The following is the basic Federal policy:

The Government will purchase commercial, off-the-shelf, products when such products will serve adequately the Government's requirements, provided such products have an established commercial market acceptability. The Government will utilize commercial distribution channels in supplying commercial products to its users.

The policy is supported by the Department of Defense in the present Commercial Commodity Acquisition Program (CCAP) planning and analysis. The purpose of the Commercial Commodity Acquisition Program is to establish policy and guidelines for DoD-wide application in the acquisition process bearing on the acceptability and use of commercially available items and logistics support to meet DoD needs. The objectives of the policy and guidelines are to reduce the cost of ownership by: (1) Avoidance of unnecessary expenditures of Defense in-house research and development (R. & D.) funds and encourage new technological innovations from industry; (2) eliminating unnecessary Federal or Military Specifications when commercial industry standards suffice; (3) reducing contract acquisition costs for supplies; and (4) exploring feasible and least cost logistics support alternatives.

Interested persons and industry (to include professional and industrial associations/organizations) are invited to participate by submitting unclassified, written views, data or arguments in readily reproducible copy to encompass the disciplines of: (1) DoD User Requirements Preparations; (2) DoD Commercial Market Research, Development and Evaluation Techniques; (3) Commercial Acquisition Methodology and the Armed Services Procurement Regulations (ASPR) Impact; (4) Industrial Quality Assurance, Reliability, Maintainability and Warranty Applications; and (5) Contractor Logistics Life Cycle Support Arrangements.

Each person, firm or organization submitting comments should include his/her/its name, address, identify this notice and the specific section(s) of the basic policy or sub-topics to which their comment(s) apply; and the rationale/reasons for the comment. Written comments should be addressed to:

Department of Defense, ODDR&E (Standardization and Support), Attn: Chairman, CCAP Task Group, Room 2A318, The Pentagon, Washington, D.C. 20301.

All comments received before 16 December 1977 will be considered. Copies of the resultant DoD Commercial Policy will be made public subsequent to February 1978 and will be available through the Defense Documentation Center (Indexed).

No public hearing is planned. A CCAP Workshop is scheduled for the week of 16 January 1978, co-sponsored by the Department of Defense and National Bureau of Standards (Experimental Technologies Incentives Program.) Proceedings of the workshop will also become a part of the public record. No proprietary or classified information will be presented or discussed.

OCTOBER 17, 1977.

MAURICE W. ROCHE,
Director Correspondence and Directives Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.77-30726 Filed 10-20-77;8:45 am]

[3710-08]

ARMED FORCES EPIDEMIOLOGICAL BOARD

Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of committee: Armed Forces Epidemiological Board.

Date of meeting: November 14–15, 1977.

Place: Directors Conference Room, Center for Disease Control, Atlanta, Ga.

Time: 0830 to 1700; 0830 to 1300.

Proposed agenda: The proposed agenda will include a briefing on the CDC operations and their epidemiologic surveillance and disease reporting systems, discussion of Legionnaires Disease, discussion of Lassa and Ebola Virus diseases, discussion of national preparedness for medical emergencies, reports by subcommittee directors, reports by the Armed Forces' Preventive Medicine Officers, discussion of the programs at the Uniformed Services University of the Health Services and a Board working session.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: October 14, 1977.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc.77-30699 Filed 10-20-77;8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-398]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

OCTOBER 17, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Acting Secretary.

SATELLITE COMMUNICATIONS SERVICES

OB 1-DSE-P-78—University Regional Broadcasting, Inc., Dayton, Ohio. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°45'-45" N., Long. 83°51'01" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

FL 2-DSE-P-78—Tele-Media Company of Key West, Ltd., Key West, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 24°32'-49" N., Long. 81°47'50" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.34 meter antenna.

NE 3-DSE-P/L-78—Mid-State Community Television Co. Ltd., Aurora, Nebr. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 40°50'49" N., Long. 98°00'19" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

GA 4-DSE-P/L-78—United States Cablevision Corp., Douglas County, Ga. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 33°44'47" N., Long. 84°46'41" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

LA 5-DSE-P/L-78—Total CATV, Inc., d.b.a. Cablevision, Baton Rouge, La. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 30°37'03" N., Long. 91°07'53" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

LA 6-DSE-P/L-78—Allen's TV Cable Service, Inc., Morgan City, La. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 29°43'15" N., Long. 91°12'13" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

KS 7-DSE-ML-78—McPherson CATV, Inc., McPherson, Kans. (KE71). Modification of license to permit the reception of signals from the Christian Broadcasting Network, Inc.

AK 8-DSE-R-78—RCA Alaska Communications, Inc., Anchorage, Ak. (KD34). Renewal of this developmental fixed station license to: Nov. 9, 1978.

CA 9-DSE-TC-78—Napa Valley Cablevision, Inc., Napa, Calif. (KD49). Application for consent to transfer of control of corporation from: Napa Valley Cablevision, Inc. (Transferor) to: Televue Systems, Inc. c/o Ronald Lightstone (Transferee).

[FR Doc 77-30788 Filed 10-20-77;8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. C177-644, et al.]

SUN OIL CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 14, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before Nov. 7, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the Certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
C177-644..... A 7/14/77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	El Paso Natural Gas Co., Blinebry Field, Lea County, N. Mex.	(3)	15.025
C177-738..... A 8/24/77	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Pacific Alaska LNG Associates, Beluga River Field, Cook Inlet area, Alaska.	(3)	14.73
C177-809..... A 9/14/77	Chevron U.S.A., Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Pacific Alaska LNG Associates, Beluga River Field, Cook Inlet area, Alaska.	[1] 163.0333	14.73
C177-811..... (G-8882) B 9/8/77	Coastal States Gas Producing Co. (Successor to Alfred Production Co.), 5 Greenway Plaza East, Houston, Tex. 77046.	Trunkline Gas Co., Alfred Field area Jim Wells County, Tex.	(4)	.....
C177-812..... A 9/14/77	Mesa Petroleum Co., P.O. Box 2009, Amarillo Tex. 79105.	Natural Gas Pipeline Co., an undesignated Field (Morrow), Eddy County, N. Mex.	[1] 1.47c	14.65
C177-816..... A 9/14/77	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Hannible Good Survey A-262, Polk County, Tex.	(5)	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft³	Pressure base
CI77-817 A 9/16/77	CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., "A" platform, block 605 west Cameron area, south addition, offshore Louisiana.	[1] $1.42	14.73
CI77-818 A 9/9/77	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Woods County, Okla.	[1] 114.3799¢	14.65
CI77-819 A 9/19/77	Aztec Oil & Gas Co., 1600 1st National Building, Fort Worth, Tex. 76102.	Tennessee Gas Pipeline Co., blocks 243 and 244, South Marsh Island area, north addition, offshore Louisiana.	[1] 149.9440¢ and 95.8826¢	15.025
CI77-820 (G-12709) B 9/16/77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Coastal States Gas Producing Co., Hidalgo Field, Hidalgo County, Tex.	([b])	--------
CI77-821 A 9/16/77	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	United Gas Pipe Line Co., certain acreage of Panola County, Texas.	([1])	14.65
CI77-822 A 9/16/77	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., certain acreage in Harper County, Oklahoma.	([1])	14.65
CI77-823 A 9/19/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Mountain Fuel Supply Co., Spearhead Ranch Field, Converse County, Wyo.	[1] 105.7831¢	14.730
CI77-824 A 9/19/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Azelea Field, Midland County, Tex.	[1] 178.3567	14.73
CI77-825 A 9/21/77	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	([1])	14.65
CI77-826 A 9/21/77	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Tennessee Gas Pipeline Co., a Division of Tenneco, platform "A" located in block 146, South Marsh Island, offshore Louisiana.	[1] 2.00	15.025
CI77-831 A 9/26/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Gulf McKay Federal Well No. 1, North Lusk Field, Lea County, N. Mex.	[1] 179.3624¢	14.73
CI77-832 A 9/26/77	Gulf Oil Corp.	El Paso Natural Gas Co., Littlefield unit area, Eddy County, N. Mex.	[1] 185.0306¢	14.73
CI77-834 A 9/26/77	Stephens Production Co., P.O. Box 248, Fort Smith, Ark. 72902.	Arkansas Oklahoma Gas Corp., Fractional sec. 3-10N-27E and 34-11N-27E of LeFlore County, Okla.	([1])	14.65
CI77-836 A 9/28/77	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Hartzog Draw Field, Campbell County, Wyo.	[1] 229.5064¢	14.650
CI77-838 A 9/28/77	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island block 307 E/2, offshore Louisiana.	[1] 149.7050	14.73
CI77-842 A 9/30/77	Stephens Production Co., P.O. Box 248, Fort Smith, Ark. 72902.	Arkansas Louisiana Gas Co., sec. 11-5N-30W of Sebastian County, Ark.	([1])	14.65
CI77-843 A 9/30/77	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Transcontinental Gas Pipe Line Corp., Oakvale Field, Jefferson Davis County, Miss.	[1] $1.48	15.025
CI77-845 A 9/29/77	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401.	Tennessee Gas Pipeline Co., Roma Field, Starr County, Tex.	([1])	14.65
CI77-846 (CI75-636) B 9/23/77	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Trees Field—Trinity County, Tex.	[c]	--------
CI77-847 A 9/29/77	Harper Oil Co., 904 Hightower Bldg., 105 North Hudson, Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co. of America, Blackburn "A" Lease, Section 2-10N-10W, Caddo County, Okla.	([1])	14.65
CI77-848 (CI70-117) B 9/29/77	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	South Texas Natural Gas Gathering Co., Tigre Lagoon, Vermilion and Iberia Parishes, La.	([d])	--------
CI77-849 A 9/30/77	Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y. 10017.	El Paso Natural Gas Co., Block 29, University Lands, Survey, Crockett County, Tex.	[1] $1.47	14.65
CI77-850 A 9/30/77	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Platform "F", block 267, Vermilion area, offshore Louisiana.	[1] [2] $1.90	15.025
CI77-851 A 9/30/77	Alminex U.S.A., Inc., Post Office Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., South Marsh Island area block 243.	[1] $2.00	15.025
CI77-852 A 9/29/77	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	El Paso Natural Gas Co., South Carlsbad Field, Eddy County, N. Mex.	[1] $1.46	14.73
CI77-853 A 9/30/77	American Natural Gas Production Co., 1 Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Block 327, Eugene Island area, offshore Louisiana.	[1] [2] $1.44	15.025

[1] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[2] Applicant and Purchaser are affiliated.
[a] Abandonment—Coastal—Filed to reflect cessation of gas purchases from various producer-suppliers.
[b] Contract terminated.
[c] Well plugged and abandoned.
[d] Depletion of reserves and abandonment of well.

[FR Doc.77-30630 Filed 10-20-77;8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST HALE CENTER, INC.

Formation of Bank Holding Company

First Hale Center, Inc., Hale Center, Tex., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842 (a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank of Hale Center, Hale Center, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 9, 1977.

Board of Governors of the Federal Reserve System, October 17, 1977.

ROBERT E. MATTHEWS,
Assistant Secretary of the Board.

[FR Doc.77-30786 Filed 10-20-77;8:45 am]

[6210-01]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Cass County Bank, Peculiar, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 10, 1977.

Board of Governors of the Federal Reserve System, October 17, 1977.

ROBERT E. MATTHEWS,
Assistant Secretary of the Board.

[FR Doc.77-30787 Filed 10-20-77;8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 25; Federal Procurement Supplement 2]

COST ACCOUNTING STANDARDS ADMINISTRATION

Interim Guidance

1. *Purpose.* This supplement adds additional interim guidance concerning the administration of Subpart 1-3.12, Cost Accounting Standards, of the Federal Procurement Regulations (FPR).

2. *Expiration date.* This bulletin contains items of a continuing nature and will remain in effect until canceled.

3. *Filing instructions.* Remove page 45 of attachment A and insert new pages 2.1 and 2.2 and 45 through 61, which add new item numbers 22 through 26.

Dated: October 5, 1977.

ROBERT P. GRAHAM,
Commissioner,
Federal Supply Service.

Item No.	*Title and Source*
22	Interim guidance on applicability of cost accounting standards to letter contracts: W.G. 77-16, June 14, 1977.

Item No.	Title and Source
23	Interim guidance—Identification of CAS contract universe at a contractor's plant: W.G. 77-17, June 14, 1977.
24	Interim guidance for implementation of Cost Accounting Standard 414—Cost of Money as an Element of the Cost of Facilities Capital; and Defense Procurement Circular (DPC) 76-3: W.G. 77-18, June 14, 1977.
25	Interim guidance—Policy for withdrawing determination of adequacy of disclosure statement: W.G. 77-20, June 14, 1977.
26	Interim guidance—Administration of leased facilities under Cost Accounting Standard 414, Cost of Money as an Element of the Cost of Facilities Capital: W.G. 77-19, August 18, 1977.

ITEM 22—INTERIM GUIDANCE ON APPLICABILITY OF COST ACCOUNTING STANDARDS TO LETTER CONTRACTS: W.G. 77-16, JUNE 14, 1977

BACKGROUND

The Cost Accounting Standards (CAS) clause (ASPR 7-104.83(a) (§ 1-3.1204-1)) provides, in part, the following requirement: * * * Comply with all Cost Accounting Standards in effect on the date of award of this contract or if the contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data. * * *

Questions have arisen regarding the application of CAS to letter contracts. First, does CAS apply to letter contracts, and if so, when? Second, what significance does definitization of a letter contract have?

DISCUSSION

Does CAS apply to letter contracts? Letter contracts are not specifically commented on in Pub. L. 91-379, CASB promulgations or ASPR [and FPR] sections relating to CAS. ASPR, Section VII, Part 8, include all clauses known to be appropriate for the definitive contract which is contemplated. (The FPR does not provide clauses specifically for letter contracts.) The CAS clause at ASPR 7-104.83(a) provides, in part, that CAS applies as of the date of award or on the date of final agreement on price as shown on the signed certificate of current cost or pricing data, unless the contract would otherwise be exempt. Since certified cost or pricing data is not normally submitted prior to the award of a letter contract, the awarding of the letter contract (if the definitized contract should be subject to CAS) would require inclusion of the CAS clause and be subject to CAS requirements at contract inception.

What is the significance of the definitization of a letter contract? Definitization of a letter contract is a contract modification, not a new award; therefore, definitization would not trigger (activate) Standards issued subsequent to the letter contract award date.

GUIDANCE

CAS is applicable to letter contracts as of the date of award unless it has been determined that the contract is excluded under one of the exemptions from CAS requirements. Definitization of the contract would not trigger (activate) any new Standards since definitization is a contract modification rather than a new contract. (See Interim Guidance Paper W.G. 76-2) (Item 7 of this GSA Bulletin FPR 25.)

ITEM 23—INTERIM GUIDANCE—IDENTIFICATION OF CAS CONTRACT UNIVERSE AT A CONTRACTOR'S PLANT: W.G. 77-17, JUNE 14, 1977

BACKGROUND

Whenever a contractor makes a change to his disclosed or established accounting practices or is determined to be in noncompliance, the Administration of CAS clause, ASPR 7-104.83(b) (§ 1-3.1204-2), requires him to submit a cost impact proposal. An integral part of the cost impact proposal is the list of CAS-covered contracts and subcontracts which will be affected by the change or noncompliance.

DISCUSSION

The General Accounting Office (GAO), in its final report entitled "Status Report to the Congress on the Cost Accounting Standards Program—Accomplishments and Problems," found that auditors were spending an inordinate amount of time verifying the completeness and accuracy of the lists submitted by contractors. The GAO recommended that the DOD develop a procedure for identifying all the CAS-covered contracts and subcontracts at a particular contractor's plant.

Inherent in the Administration of CAS clause is the responsibility of a contractor to supply accurate and complete lists of his CAS-covered business. However, to preclude any misunderstanding and a consequent loss of time, the following guidance is provided.

GUIDANCE

In order to comply with the requirements of the Administration of CAS clause, ASPR 7-104.83(b), contractors should be required to maintain a system for identifying accurately and completely all contracts and subcontracts which contain the Cost Accounting Standards clause, 7-104.83(a) (§ 1-3.1204-1). The ACO should ensure that the contractor has such a system and that it is functioning effectively.

ITEM 24—INTERIM GUIDANCE FOR IMPLEMENTATION OF COST ACCOUNTING STANDARD 414—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL; AND DEFENSE PROCUREMENT CIRCULAR (DPC) 76-3: W.G. 77-18, JUNE 14, 1977

I. BACKGROUND

Cost Accounting Standard 414 establishes criteria for the measurement and allocation of the cost of capital committed to facilities as an element of contract cost. ASPR 3-1300 (Item II, DPC 76-3) extends the CAS 414 procedures to all contracts negotiated on the basis of cost analysis; ASPR 15-205.50 makes the cost of money, when computed in accordance with CAS 414, an allowable contract cost. The effective date of this Standard and the provisions of DPC 76-3 is October 1, 1976. Contractors and subcontractors must follow the requirements of both regulations on all CAS contracts and subcontracts which are negotiated on or after this date. (With respect to nondefense CAS-covered contracts FPR Temporary Regulation 40, October 1, 1976, provides to civilian agencies options in regard to applicability of CAS 414.)

In accordance with section 414.70 of the Standard, it does not apply if either the contract award date or the date of final agreement on price as shown on the certificate of curent cost or pricing data precedes October 1, 1976. However, DPC 76-3 as modified by the memorandum of September 17, 1976, may apply the techniques of CAS 414 to contracts that existed prior to October 1, 1976. In these cases, the techniques may be applied to contract modifications which price contract line items not previously priced, provided such work is performed after October 1, 1976. This includes repricing actions under type A price redeterminations. It should be noted that use of the 414 techniques for these modifications requires mutual agreement of parties and thus is appropriate only when consideration flows to both parties as a result of the use of the technique.

The cost of money is an imputed cost which is identified with the total facilities capital associated with each indirect cost pool, and is allocated to contracts over the same base used to allocate the other expenses included in the cost pool. In other words, the cost of money may be considered to be an indirect expense associated with an individual cost pool but separately identified. Like all indirect expenses, the cost of money is subject to all the same allocation procedures as any other expense which is allocable to the selected allocation base, and each element of such base, whether allowable or unallowable, should bear its prorata share of the cost of money.

The CAS 414 techniques must be used to compute the cost of money in connection with individual price proposals, forward-pricing rate agreements, and with the establishment of final overhead rates.

Facilities capital included in the cost of money computation includes tangible and intangible capital assets that generate allowable depreciation or amortization as well as land which is integral to the regular operation of the business unit, and leased property for which constructive costs of ownership are allowed in lieu of rental costs under Government procurement regulations. The treatment of leased property under CAS 414 is not addressed in this interim guidance paper. This subject will be discussed in a subsequent paper.

CAS 414 and ASPR 15-205.50 do not apply to facilities where compensation for the use of the facilities is based on use rates or allowances in accordance with Federal regulation. Also, CAS 414 provides that to be included in the base for the cost of money calculation, the asset must be used in the regular business activity, and ASPR 15-205.50(a) states the base for cost of money is facilities capital employed in support of defense contracts. These latter criteria serve to eliminate items such as the following from the cost of money computation:

1. Land held for speculation or expansion.
2. Facilities or facility capacity which have been determined to be excess or idle in accordance with ASPR 15-205.12.
3. Assets which are under construction or have not yet been put into service.

II. APPLICATION OF COST OF MONEY TO IR&D AND B&P EXPENSE

A. *Discussion*

Questions have arisen concerning the application of cost of money to IR&D and B&P projects. To be decided are:

1. Is the cost of money to be considered part of, or allocable to, the ceiling?
2. Is the cost of money associated with over ceiling IR&D and B&P expense to be allowable?
3. Is the cost of money associated with G&A expense allocable to IR&D and B&P expense?

ASPR 15-205.3 and 15-205.35 govern the composition, allocation, and allowability of IR&D and B&P costs. More specifically, ASPR 15-205.3(b) and 15-205.35(b) state that "Both direct and indirect costs shall be determined on the same basis as if the IR&D

(or B&P) project were under contract." It, therefore, follows that the cost of money is allocable to IR&D and B&P projects and should be allocated to final cost objectives in the same manner as the IR&D and B&P expense. [NOTE.—§§ 1-15.205-2 and 1-15.205-25 do not require accounting treatment provided in the ASPR paragraphs.]

A question has been raised as to whether the cost of money should be included in the total ceilings negotiated for IR&D and B&P. If this is done, the ceilings would not be comparable to previous ceilings which did not include these costs, and it would be necessary to increase the ceiling by the amount of the cost of money applicable if the same level of IR&D/B&P effort is to be supported.

Another factor bearing on this issue is the fact that the CAS Board is currently developing new Cost Accounting Standards for IR&D and B&P. These Standards are expected to require changes in the method of accounting for IR&D/B&P expenses. This change, following close behind the CAS 414 change, would require two successive revisions in the method of accounting for IR&D/B&P. Under the circumstances it appears appropriate to continue the present method of establishing IR&D/B&P ceilings (excluding cost of money) and incorporate the effect of both the cost of money and the new Standards on IR&D and B&P at the time the effect of the IR&D/B&P Standards are known. To accommodate CAS 414 during this interim period, it will be necessary to obtain agreement with the contractor that while the cost of money is not included in the ceiling dollars, such costs are to be allocated, and the portion associated with allowable IR&D/B&P shall also be allowable. It should be noted, however, that the cost of money associated with G&A expense should be allocated as though it were G&A expense (see Interim Guidance Paper W.G. 77-11) (Item 17 of this GSA Bulletin FPR 25).

B. *Guidance*

1. The cost of money is allocable to IR&D and B&P and the total allocable amount should be accounted for separately and not included in the established ceiling. However, there must be an understanding that:

a. The cost of money allocable to unallowable IR&D and B&P (amount over ceiling) shall be considered unallowable.

b. Cost of money allocable to the allowable IR&D and B&P shall be allocated to contracts over the same base used to allocate the IR&D and B&P expense.

2. Cost of money which is attributable to G&A expense shall be allocated using the procedures set forth in W. G. 77-11.

III. REVISED DISCLOSURE STATEMENT

A. *Discussion*

Under CAS 414 the regular method of computing the cost of money is preferred. The alternate method is available if the contracting parties can agree that the results of either method will be substantially the same. Although a contractor should decide which method he will use, and follow it consistently, a change from one to the other should not have a significant monetary impact and contract adjustments should not be required.

A further option that a contractor may make, for administrative ease, is to include, or exclude, the cost of money is the G&A allocation base. Once an option is selected, a change from one to the other should be considered a voluntary accounting change. The initial completion of the CMF form should serve as a baseline for the contractor's established practices for compliance with CAS 414.

It could be argued that since the CAS 414 preferred regular method requires the cost of money to be allocated by the same method as depreciation, the contractor's current disclosure statement provides adequate visibility.

Moreover, the CAS Board disclosure statement does not expressly require the disclosure of the practices used by the contractor to determine and assign the cost of money. However, the cost of money calculation is a significant accounting matter, and a adequate description of the practices involved are virtually mandatory to ensure an understanding of the accounting methods relating to this new cost element. Notwithstanding the appearance that the CAS 414 procedures are already disclosed in connection with other cost elements, there appears to be sufficient leeway in CAS 414 for contractors to use methods other than those disclosed for depreciation even under the "regular" method.

B. *Guidance*

1. The contractor should be requested to revise his disclosure statement to include the procedures related to CAS 414. This revision may be a single statement to the effect that the contractor will use the same procedures used in identifying and allocating depreciation to final cost objectives and that land will be assigned in the same manner as the facilities to which it relates. The contractor should be required to amend his disclosure statements to include the procedures to be used in determining the cost of money when the CAS 414 procedures are expected to vary from those used to measure, assign, and allocate depreciation.

2. The contractor should disclose whether he will use the regular method and whether he will attempt to justify the use of the alternate method. Further, he should disclose whether he will include the cost of money in the G&A allocation base or not. Once an option is selected, a change from one to the other should be considered a voluntary change.

The following is an example of how the contractor's disclosure statement revision might be made:

4.1.0(n) (Y).
4.2.0(n) (Y).
4.3.0(1) (Y).
4.5.0 Continuation sheet.

The cost of money is computed in accordance with the procedures set forth in CAS 414. We identify assests, calculate net book values, assign net book value to indirect cost pools, and reallocate undistributed net book values to indirect cost pools by the same procedures as are used to identify and allocate depreciation to find cost objectives.

For any accounting period in which it can be demonstrated, and the ACO agrees that no substantial difference will result, we will estimate, accumulate, and report by using the alternative method as described in CAS 414.

4.6.0 Continuation sheet.

The cost of money is allocated to final cost objectives over the same base unit of measure as is used to allocate the other indirect expenses included in the cost pool to which the cost of money is related.

For all accounting periods, whether the regular or alternative method is used we estimate, accumulate, and report by including the cost of money in the cost input base used to allocate G&A expense to final cost objectives.

IV. APPLICATION OF CAS 414 TO PRICE PROPOSALS

A. *Discussion*

The fundamental concept of using current, accurate, and complete data in pricing proposals applies equally to data used to compute proposed cost of money. Thus, historical or forecasted costs used in pricing cost of money in proposals must represent the best available information.

The Secretary of the Treasury determines the cost of money rate to be used in computing the cost of money factors pursuant to Pub. L. 92-41. The rate published in December is to be used from January 1 through June 30; the rate published in June should be used from July 1 through December 31.

In calculating final overhead rates, the Standard provides that the cost of money rate be the average of the rates in effect during the fiscal period. For example, the average rate for CY 1976 will be 8.625 percent computed as follows: 8.75 (January-June) + 8.50 (July-December) 2=8.625 percent. For a fiscal year ending January 31, 1977, the average rate would be 8.542 percent computed as follows:

$$\frac{\text{Feb-Jun 76}}{(8.75\times5)}+\frac{\text{Jul-Dec 1976}}{(8.50\times6)}+\frac{\text{Jan 1977}}{(7.75\times1)}=8.542\text{ pct}$$
$$\text{12 mo}$$

The contractor is responsible for computing and supporting the cost of money factors. The auditor is responsible for reviewing the factors, and the ACO is responsible for determining the validity of the factors for contract cost and pricing purposes. Where the contractor elects to omit the allocable cost of money from his proposal, such costs should be designated as unallowable, and may not be included in the profit. (The "cost of money" cost element is not to be confused with "capital employed," a separate profit consideration factor.) In addition, he is still required to compute the cost of money factors in accordance with CAS 414. The contractor's failure to make the computation should be considered a violation of a requirement of the Standard; however, in virtually all cases, the noncompliance will not result in increased cost paid by the Government.

The Standard provides that where the cost of money is to be determined on a prospective basis the cost of money rate shall be based on the latest available rate published by the Secretary of the Treasury. Ordinarily, "based on" should be interpreted to mean "the same as." However, there may be circumstances when it would be better to use a rate other than the latest semiannual rate. One such case would be when the average rate to be used in costing the contract is known. This situation may occur when a short term contract is negotiated and performed within the 6-month period (or other shorter period) after all the rates to be weighted in actual historical CMF determination are known. Another circumstance is when the historical method of estimating is used. Some models indicate that the historical method will rarely be appropriate for projection purposes, and a close examination should be made before this method is accepted as a basis for negotiation. Contractors will frequently modify the historical data for projection purposes. Any such modification, such as use of the latest available semiannual interest rate (column 1 of CASB-CMF), should be considered a proposal made under the projected method. Such proposals are acceptable even when the contract period is expected to be less than 1 year.

Under the historical method, the cost of money factors (column 7 of the CASB-CMF) will be the same as those used to establish final overhead rates for the contractor's latest completed cost accounting period. This method of estimating facilities capital to be employed, and the related cost of money, assumes that the relationship between the cost of money and the allocation base will yield a constant cost of money factor over the con-

tract performance period. This assumption is comparable to the assumption contractors make when proposing indirect expenses using an unadjusted, experienced overhead rate. The assumption that a constant factor will be appropriate rests upon the three variables involved in the cost of money computation: the interest rate, the net book value of facilities capital, and the allocation base. Even minor changes in the interrelationship of any of these variables may substantially affect the cost of money factor.

The Standard requires that the latest available semiannual interest rate be used for estimating purposes, and this rate should be compared to the historical average. Known and anticipated additions and deletions of assets will require close examination to determine the affect on the factors. The effect of the annual depreciation on an unchanged level of facilities employed will reduce the net book value sufficiently to make the historical factors inappropriate. The allocation bases used in the cost of money computation should be consistent with those used in estimating overhead rates. Mere inflation could significantly change the relationship of the base to the imputed cost of money since the net book values are less subject to inflation.

Under the projected method, the cost of money factors will be based on the latest available cost of money rate and a forecast of the facilities net book value and allocation base for each cost accounting period of contract performance. This method should be used when the contractor can reasonably demonstrate that there will be major fluctuations in the levels of facilities employed or the allocation base to be experienced by the business unit during contractor performance. The interest rate which will be in effect at the conclusion of the negotiation and applied to the contractor's estimate may not be known when the audit report is written, or when the negotiation begins. Accordingly, care should be exercised to ensure that the most recent interest rate published by the Secretary of the Treasury is considered.

B. *Guidance*

1. If a contractor does not propose the cost of money, which would be allocable to the resultant contract, the PCO should specify in the contract terms that cost of money will not be allowable as an element of cost under the contract. In no event may the cost of money as computed in accordance with the procedures set forth in CAS 414 be included in profit.

2. When there is no increase in cost paid or to be paid as a result of a noncompliance with CAS 414, a determination of noncompliance need not be issued. The contract auditor should not be expected to issue a noncompliance report unless specifically requested by the ACO.

3. A careful review should be made before the histroical method is accepted for pricing future work, because the historical method may result in a cost of money factor substantially higher than that which will actually be experienced.

4. When a new interest rate is determined prior to or during negotiations, the PCO should consider recomputing the cost of money amount before finalizing negotiations.

ITEM 25—INTERIM GUIDANCE—POLICY FOR WITHDRAWING DETERMINATION OF ADEQUACY OF DISCLOSURE STATEMENT: W. G. 77-20, JUNE 14, 1977

BACKGROUND

Defense contractors and subcontractors are required, as a condition of contracting, to disclose in writing an adequate description of their cost accounting practices. A Disclosure Statement is considered adequate if it is current, accurate, and complete. There is wide confusion as to the right of Government to withdraw the determination of adequacy of disclosed practices when they are no longer considered adequate.

DISCUSSION

Questions have been raised as to whether the ACO has a right to withdraw an adequacy determination that was previously given. Any consideration of the factors bearing on this question would indicate that he not only has a right, but a duty, to take this action if the statement is determined, at any time, to be inadequate. Failure to do so would relieve the contractor of any requirement to maintain the statement in a current, accurate, and complete status after the initial determination of adequacy had been given. This would ultimately render the document completely useless.

A notice to the contractor that his Disclosure Statement is no longer considered adequate will have the effect of making the contractor ineligible to receive new contract awards. This, obviously, will disrupt and delay normal procurement processes and such action should, therefore, not be taken unless it is based on substantive issues. On the other hand, auditors and ACOs should not delay advising contractors or revisions to the Disclosure Statement that may appear necessary even though the issue may not be of such magnitude as to warrant withdrawal of the adequacy determination. It is important that issues not be accumulated over a period of time, to be raised at the time of a new contract negotiation. This will only serve to further complicate and prolong normal procurement procedures.

There is seldom a problem in determining whether a Disclosure Statement is current or accurate. There is a problem in determining whether it is complete. To be complete the statement must contain a level of detail adequate to fully discuss the accounting practices which the contractor employs. At the same time there is no need for burdening the statement with minuscule descriptions of accounting procedures that will have no discernible effect on the flow of costs even if they are changed from time to time.

A determination that the level of detail in a Disclosure Statement is adequate and thus the detail should be expected to vary from contractor to contractor or even between cost centers of a particular contractor depending upon the volume or mix of business or complexity of the accounting system. As the volume increases, the mix changes, or accounting procedures become more complex, the Disclosure Statement would be expected to become more detailed.

Materiality appears to be the key word in determining what level of detail should be required. Thus, accounting procedures which, if changed, would not have a material effect on the flow of costs, either now or in the foreseeable future, should probably not be included in the Disclosure Statement.

GUIDANCE

Materiality should be a major factor in deciding the level of detail required to be disclosed. A prime consideration should be whether a change in accounting procedure at the level of detail under consideration would have a material effect on the flow of costs, now or in the near future.

The level of detail needed to adequately describe the accounting practices will vary depending upon volume or mix of work in the plant or cost center, or complexity of the accounting system.

Contractors should be advised immediately when a revision to the Disclosure Statement is considered necessary.

ACO's do have authority to withdraw an adequacy determination previously given for a Disclosure Statement, but action to withdraw the determination should not be taken unless the issue is material and the contractor will not make the revision.

ITEM 26—INTERIM GUIDANCE—ADMINISTRATION OF LEASED FACILITIES UNDER COST ACCOUNTING STANDARD 414, COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL: W.G. 77-19, AUGUST 18, 1977

References: W.G. 77-18 (Item 24 of this GSA bulletin) ASPR 15-205.34, 15-205.48, and 15-205.50 DPC 76-3.

BACKGROUND

Cost Accounting Standard 414 provides that the cost of money will be computed on the average net book value of facilities capital items, including certain leased facilities, for which constructive cost of ownership is allowed in lieu of rental costs under government procurement regulations.

DISCUSSION

Two major issues have been raised regarding the implementation of Standard 414 in administering leased facilities: (1) whether to recognize cost of money as a part of contructive ownership cost in determining whether allowable cost will be based on constructive cost of ownership or rental costs, and (2) when to include the net book value of leased assets on the CASB-CMF form.

(1) *Whether To Recognize Cost of Money as Constructive Ownership Cost.* Cost of money is a cost which the contractor would be allowed if he had purchased the property. Therefore, it should be included as an ownership cost in making the determination whether allowable cost will be based on constructive cost of ownership or leasing costs. After that determination, cost money should be allowed as a separate item under ASPR 15-205.50 and not included as a constructive ownership cost in determining allowable cost under ASPR 15-205.34 and 15-205.48 for each accounting period.

(2) *When To Include the Net Book Value of Leased Assets on the CASB-CMF Form.* Timing for including net book value of leased assets on the CASB-CMF form involves at least two possibilities: (i) at the beginning of the lease term, or (ii) at the time when cumulative leasing cost exceeds cumulative cost of ownership, commonly referred to as the "cross-over point".

(i) *Beginning of the Lease.* This is the period selected for reflecting the net book value of leased assets on the CASB-CMF form. By including the net value on the form from the beginning of the lease term, average asset values can be shown for all cost accounting periods during which the asset is used. This procedure is in accord with present requirements at ASPR 15-205.-34 and 15-205.48 which require that constructive ownership costs be computed from the beginning of the lease term in order to determine the allowability of leasing cost. The procedure is also in accordance with recently issued, generally accepted accounting principles (Financial Accounting Standards Board Statement No. 13) when capitalization of leases is required for financial reporting purposes.

(ii) *"Cross-Over Point".* This period for reflecting the net book value of leased assets on the CASB-CMF was considered but rejected for several reasons. Average asset values would not be shown on the form during early cost accounting periods, and would not be part of the profit base during those periods. Contractors would not receive cost of money allowance commensurate with the value of the asset consumed during its use. Selection of the "cross-over point" would

not be in conformance with generally accepted accounting principles when capitalization of leases is required for financial reporting purposes.

GUIDANCE

1. Cost of money should be included as an ownership cost in making the determination whether allowable cost of leased facilities will be based on constructive cost of ownership or leasing costs.

2. Where it has been determined that to allow leasing cost is more advantageous to the government, the value of the leased facilities will not be included in the cost of money as a cost of facilities capital computation.

3. Leased assets for which a decision has been made to limit reimbursement to constructive cost of ownership under ASPR 15-205.34 and 15-205.48 will be included on CASB-CMF form at their net book value computed at the effective date of Standard 414 or at the beginning of the term of the lease, whichever is later.

4. Net book values, for the purpose of computing a contractor's cost of facilities capital on leased assets shall be computed based on the asset's fair value at the beginning of the term of the lease less an amount equal to accumulated depreciation from the beginning of the term of the lease computed in a manner as if the contractor had purchased the asset. The cost of money will not be included in the net book value of leased assets as reflected on the CASB-CMF form.

5. The cost of money related to leased assets will be allocated to benefiting cost objectives as an integral part of the cost of money factors for all capital assets, as prescribed by Standard 414.

6. Consistent with Interim Guidance paper W.G. 77-18 land will be shown on the CASB-CMF form (at its fair value at the beginning of the term of the lease) for each accounting period it is used in regular business operations.

[FR Doc.77-30720 Filed 10-20-77;8:45 am]

[6820-14]

[Intervention Notice No. 40]

BOSTON EDISON CO.

Proposed Intervention in Electric Rate Increase Proceeding Massachusetts Department of Public Utilities

The General Services Administration seeks to intervene in a proceeding before the Massachusetts Department of Public Utilities concerning an application by the Boston Edison Company Formal Case No. 19300 for an increase in its tariffed rates for intrastate electric service. The GSA represents the interests of the executive agencies of the United States Government, as users of utilities services.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, telephone 202-566-0750, on or before November 21, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: October 12, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-30700 Filed 10-20-77;8:45 am]

[6820-25]

[Federal Property Management Regulations; Temporary Reg. F-445]

SECRETARY OF DEFENSE

Delegation of Authority

Subject: Delegation of authority.—1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in a generic proceeding involving general ratemaking issues.

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 New Mexico Public Service Commission involving the operation of the automatic cost adjustment clause, treatment of construction work in progress, rate structure, and the appropriate treatment of Federal income tax expenses for New Mexico utilities. 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.

JOEL W. SOLOMON,
Administrator of General Services.

OCTOBER 7, 1977.

[FR Doc.77-30701 Filed 10-27-77;8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77F-0184]

AMERICAN FEED MANUFACTURERS ASSOC. INC.

Notice of Filing of Petition for Food Additive Permitted in Feed and Drinking Water of Animals

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The American Feed Manufacturers Association, Inc., has filed a petition proposing that the regulations be amended to provide for the safe use of selenium in the feed of sheep.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (MF-3433) has been filed by American Feed Manufacturers Association, 1701 N. Fort Meyer Dr., Arlington, Va. 22209, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to provide for the safe use of selenium in the feed of sheep.

The environmental impact analysis report and other relevant material are being reviewed to determine whether the proposed use of the additive will have a significant environmental impact. In accordance with the provisions of § 25.25 (21 CFR 25.25) of the environmental impact regulations, environmental impact consideration of the final action on this petition will be addressed in a future publication.

Dated: October 13, 1977.

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

[FR Doc.77-30732 Filed 10-20-77;8:45 am]

[4110-03]

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory

committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S. C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Ophthalmic Device Classification Panel.	Nov. 17 and 18, 12 m., room 503/507A, South Portal Bldg., 200 Independence Ave. SW., Washington, D.C.	Closed committee deliberations Nov. 17, 9 a.m. to 12 m.; open public hearing Nov. 17, 12 m. to 1 p.m.; open committee discussion Nov. 17, 1 to 5 p.m.; open public hearing Nov. 18, 9 to 10 a.m.; open committee discussion Nov. 18, 10 a.m. to 5 p.m.; James G. Dillan, Ph. D., (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-127-7228.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Closed committee deliberations. The committee will review premarket approval applications for ophthalmic devices. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c) (4)).

Open public hearing. Interested parties are encouraged to present information pertinent to: (1) Intraocular lens investigational device exemption studies; (2) deletion of certain items from the ophthalmic device list; (3) exemption of Class I ophthalmic devices from registration requirements; (4) the review process of new drug applications for contact lenses; and (5) any other topics regarding ophthalmic devices. Submission of data relative to tentative classification findings is also invited. Those desiring to make presentations should notify the executive secretary by November 4, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and an indication of the approximate time required to make their comments.

Open committee discussion. The deliberations will concern the specific subjects listed as topics for the open public hearing. Regarding these topic subjects, the panel will consider presentations to be made by Bureau of Drugs personnel regarding the review processes of contact lenses. Additionally, representatives of the Intraocular Lens Manufacturers Association will make a presentation to the panel regarding the state of the art in the areas of intraocular lens materials, design, manufacturing, quality control, and implantation. The panel will also discuss any other pertinent items concerning ophthalmic devices.

Committee name	Date, time, and place	Type of meeting and contact person
2. Blood and Blood Derivatives Panel.	Nov. 18 and 19, 9 a.m. room 115, building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Nov. 18, 9 to 10 a.m.; open committee discussion Nov. 18, 10 a.m. to 5:30 p.m., Nov. 19, 9:30 a.m. to 12 m.; closed committee deliberations Nov. 19, 12 m. to 4 p.m.; Clay Sick, (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-3453.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of blood-grouping and blood-typing serums; thrombin; fibrinolysin (human); revision of reviews of stored red blood cell products, plasma products, antihuman serum and blood group specific substances.

Closed committee deliberations. Review of data submissions of producers of thrombin, fibrinolysin (human) and other plasma products. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c) (4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed 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. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: October 13, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-30562 Filed 10-20-77;8:45 am]

[4110-03]

[Docket No. 77F-0277]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: E. I. du Pont de Nemours & Co. has filed a petition proposing that the food additive regulations be amended concerning methocrylic acid polymer with ethylene and isobutyl acrylate, sodium zinc salt to be used for food-contact applications.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3115 has been filed by E. I. du Pont de Nemours & Co., proposing that § 177.1330 (21 CFR 177.1330) of the food additive regulations be amended by providing for the safe use of methacrylic acid polymer with ethylene and isobutyl acrylate, sodium zinc salt where (1) the same contain no less than 70 weight percent of polymer units derived from ethylene, (2) the same are employed under conditions of use as determined from tables 1 and 2 of § 176.170(c).

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 12, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-30733 Filed 10-20-77;8:45 am]

[4110-03]

[Docket No. 77N-0240]

SINGLE-ENTITY CORONARY VASODILATORS

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drugs To Remain on the Market; Amendment; Certain Extensions

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice extends the dates by which (1) notices of intent to conduct bioavailability studies of single-entity coronary vasodilators are required, (2) abbreviated new drug applications shall be submitted, and (3) bioavailability studies shall be started. It also announces the availability of guidelines for alternative methods for determining bioavailability.

DATES: Notices of intent to conduct bioavailability studies are due by November 28, 1977. Abbreviated new drug applications (ANDA's) are due by December 27, 1977. Bioavailability studies must be initiated by March 27, 1978. Data from clinical studies of effectiveness are due by August 27, 1979.

ADDRESSES: Communications in response to this notice should be identified with the NDA or ANDA number (if any) and the following in a box in the upper portion of the cover letter: "Paragraph XIV Drug—Category I; Coronary Vasodilator" directed to the attention of the office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Notices of intent to conduct bioavailability studies: Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

Abbreviated New Drug Applications: Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for guidelines for bioavailability studies: Division of Biopharmaceutics (HFD-520), Rm. 16-62, Bureau of Drugs.

Requests for guidelines for clinical studies: Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-45, 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.

All other submissions required by this notice: Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Bernard E. Cabana, Bureau of Drugs (HFD-520), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4750.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of August 26, 1977 (42 FR 43127), the Commissioner of Food and Drugs announced (1) the availability of guidelines and methods of evaluating the bioavailability and effectiveness of single active ingredient coronary vasodilators, and (2) the specific conditions under which these products may be marketed while such studies are in progress.

Since issuance of the August 26 notice, FDA has received a significant number of inquiries and comments expressing disagreement with, and concern over being able to comply with, some of the provisions of that notice.

1. It has been stated that the requirement that bioavailability studies be underway by November 25, 1977, does not provide adequate time to make arrangements with commercial laboratories for carrying out such studies. The Commissioner recognizes that because bioavailability study guidelines were unavailable until the August 26, 1977, notice was published, additional time should be allowed for candidate investigators to obtain the guidelines and determine whether they are able and would be willing to undertake such a study on behalf of a drug manufacturer. The Commissioner also recognizes that some time would be required for necessary arrangements to be made between the drug firm and the investigator.

2. It has also been stated that at the present time the only laboratory known to be immediately capable of performing such bioavailability studies is Pharmacodynamic Research, Inc. It is further stated that this laboratory is ready to perform such studies only because it is associated with the principal investigator under FDA's contract to develop the method cited in the August 26 notice for measuring the pharmacologic activity of coronary vasodilators. It is alleged that this situation has given Pharmacodynamic Research, Inc., a unique competitive advantage over other qualified candidate laboratories. Moreover, it is pointed out that Pharmacodynamic Research, Inc., alone would not be able to perform all the necessary bioavailability studies within the time limit set. Unless other laboratories are able to assume some of the workload, not all drug firms that wish to do so will be able to initiate studies on their products by the November 26, 1977, deadline.

3. The Commissioner intended that any manufacturer willing to conduct studies should be able to do so. The digital

plethysmography method developed under the FDA contract does not depend on skills or equipment available in only a single laboratory; it appears, however, that the deadline set in the August 26 notice will not permit manufacturers to seek out and arrange for studies by other qualified laboratories. The Commissioner did not intend to provide a monopoly for one laboratory or limit the number of studies performed within the authorized time frame.

The Commissioner concludes that there is sufficient reason for allowing additional time for certain submissions required by the August 26, 1977, notice. Therefore, the August 26, 1977 notice is hereby amended to require (1) that the notice of intent to conduct bioavailability studies be submitted on or before November 28, 1977, (2) that the date by which ANDA's shall be submitted is December 27, 1977, and (3) that bioavailability studies begin by March 27, 1978. The date by which clinical trials shall be completed and the results submitted (August 27, 1979) remains unchanged.

Since publication of the August 26 notice, it has been determined that radioactive tracer methodology could serve to determine the blood levels of coronary vasodilators and/or their active metabolites. In addition, it has been brought to the attention of FDA that a sensitive gas chromatographic method has been reported in the literature for the blood level determination of isosorbide dinitrate and nitroglycerin. These methods have been evaluated by the Division of Biopharmaceutics and found to be satisfactory for use. Guidelines concerning the use of both of these methods to establish the bioavailability of coronary vasodilator products are available from the Division of Biopharmaceutics (HFD-520), Bureau of Drugs.

For oral and controlled release dosage forms, study guidelines for both the radioactive tracer method and the gas chromatographic method are predicated on demonstrating satisfactory bioavailability of these dosage forms when compared to the sublingual form and an oral solution of the same active ingredient. In addition, unless approval is granted to a manufacturer for a specific protocol, the protocol outlined in the FDA guidelines proposed for chemical methodology must be used. Acceptable bioavailability would consist of a showing that a product achieves satisfactory blood levels of the active moiety, as relative to the reference standards, as specified in the guideline. A manufacturer whose product fails to achieve these blood levels would have to demonstrate adequate pharmacological activity, through use of digital plethysmography, for example, at lower levels to meet the bioavailability requirement and permit continued marketing while clinical trials are conducted. It is recognized that, except for nitroglycerin, no organic nitrate, even in sublingual form, is now considered effective and, therefore, demonstration of blood levels from an oral product comparable to a sublingual dosage form does not constitute evidence of effectiveness. Such blood levels would, however, indicate that the product has a strong possibility of being shown effective in clinical trials and are adequate grounds for permitting marketing while trials are conducted.

One of the drug products named in the August 26, 1977, notice is Hydronal Oral Solution containing isosorbide: Stuart Pharmaceuticals, Division of I.C.I. United States, Inc. (NDA 17-063). That drug was listed under NDA's that were not reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. Because that product was approved only for use in reducing increased intraocular pressure, such as in glaucoma, it should not have been included in the list of coronary vasodilators. It is not affected by the August 26, 1977, notice and is hereby deleted from that notice.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-1053, as amended, 1055-1056, as amended (21 U.S.C. 355, 371)), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: October 12, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-30731 Filed 10-20-77;8:45 am]

[1505-01]

Health Care Financing Administration

SCHEDULE OF LIMITS UNDER THE HEALTH INSURANCE PROGRAM FOR COST-REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1977

Correction

In FR Doc 77-29159 appearing at page 53675 in the issue of Monday, October 3, 1977, the following changes should be made:

1. On page 53676, first column, line 7: "hosiptal's" should be "hospital's". First column, line 27: "demed" should be "deemed". First column, line 50: "sensitve" should be "sensitive". Second column, line 29: "ilst" should be "list". Second column, line 32: "SM" should be "SM-".

2. On page 53677, first column, line 48 (under Washington): "Richard-Kennewick" should be "Richland-Kennewick". Second column, line 2: footnote "" should be inserted after "Honolulu". Third column, line 14: "Evansvell" should be "Evansville". Third column, line 26: footnote "" following "Battle Creek" should be "".

3. On page 53678, first column, line 51: "Clarkville" should be "Clarksville". First column, line 56: insert comma between "Tyler" and "Waco". Second column, line 13: "Terra" should be "Terre".

4. On page 53679, first column, line 39: "3.52" should be "3.51". Second column, first line of heading: "within" should be "outside".

CALIFORNIA STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice to Interested Persons Regarding the Existence of a Mailing List for Notification of Meetings Held by the California Statewide Professional Standards Review Council

There is now a Statewide Professional Standards Review Council (Statewide Council) in the State of California. This notice is to announce the existence of a mailing list, which will be maintained by the California Statewide Council in order to notify interested persons of the date, time and place of regular meetings held by the full Council.

In accordance with section 1162(a) of the Social Security Act, 42 U.S.C. 1320c-11, a Statewide Council is required to be established in any State with three or more conditional PSROs. By statute, the membership of the Council is composed of representatives of the PSROs, the State medical society, the State osteopathic association, the State hospital association, and the public. The Statewide Council will carry out functions set forth in the PSRO statute for the purpose of facilitating PSRO activities, and assisting the Secretary of Health, Education, and Welfare in carrying out his responsibilities with respect to administration of the PSRO program in the State. The Council will establish and work with an Advisory Group composed of health care practitioners other than physicians, and health facility groups in the State.

The Council will meet at least 4 times a year as a full Council. Meetings of the full Council and of all committees are open to the public except when meetings deal with certain restricted matters as defined by the Federal Regulations governing Statewide Councils.

The California Statewide PSR Council is maintaining a mailing list of all interested persons and these persons will be regularly notified of all full Council meetings. If you wish to be on this mailing list, please send your name and address to:

The California Statewide PSR Council, 215 Market Street, Suite 1300, San Francisco, Calif. 94105.

The next full Council meeting of the California Statewide Council will be held at 9:30 a.m., Saturday, October 29, at the Travel Lodge, Harbor Island, San Diego, Calif. The public is invited to attend.

Dated: October 17, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

[FR Doc.77-30785 Filed 10-20-77;8:45 am]

[4110-83]

Health Resources Administration

GRANTS FOR GRADUATE TRAINING IN FAMILY MEDICINE

Application Announcement

The Bureau of Health Manpower, Health Resources Administration, an-

nounces that applications for fiscal year 1978 Grants for Graduate Training in Family Medicine are now being accepted under the authority of section 786(a), Title VII, of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484). Federal assistance for graduate training in family medicine was supported formerly under section 767 of Title VII.

Section 786(a) provides for grants to public and nonprofit private accredited hospitals, accredited schools of medicine, or osteopathy and other public and nonprofit private entities whose principal functions include the conduct or sponsorship of a graduate training program in family practice. Grant funds must be used for graduate programs in family practice approved or provisionally approved by the Liaison Committee on Graduate Medical Education or an internship or a residency in osteopathic general practice approved by the American Osteopathic Association.

Requests for application materials and questions regarding grant policy should be directed to:

Grants Management Officer, Bureau of Health Manpower, HRA, Center Building, Room 4-22, 3700 East-West Highway, Hyattsville, Md. 20782, Phone: 301-436-6564.

To be considered for fiscal year 1978 funding, applications must be postmarked no later than November 7, 1977.

Should additional programmatic information be required, please contact:

Professional Education and Development Branch, Division of Medicine, Bureau of Health Manpower, HRA, 3700 East-West Highway, Room 4-50, Hyattsville, Md. 20782, Phone: 301-436-6580.

This announcement covers only the component of section 786(a) implementing graduate training in family practice. Another announcement at a future date will be made covering grant programs for assistance to predoctoral family medicine programs, including preceptorships, and for the development of physician faculty to teach in family medicine programs. These activities were formerly supported under section 772 of Title VII, the Health Professions Special Project authority. It is expected that application materials for these programs will be available within the next several weeks.

Dated: October 12, 1977.

HAROLD MARGULIES,
Deputy Administrator, HRA.

[FR Doc.77-30682 Filed 10-20-77;8:45 am]

[4110-84]

Health Services Administration

NATIONAL ADVISORY COUNCIL ON MIGRANT HEALTH

Change of Meeting Dates

In FEDERAL REGISTER Document 77-27248 appearing at page 47262 in the issue for Tuesday, September 20, 1977, the November 8-10 meeting of the "National Advisory Council on Migrant Health" has been changed to November 9-11, 1977. All other information is correct as appears.

Dated: October 14, 1977.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for Management.

[FR Doc.77-30613 Filed 10-20-77;8:45 am]

[4110-12]

Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-77-0112]

"METHODS FOR COLLECTION, MEASUREMENT AND VALUATION OF FOUR SELECTED WEALTH COMPONENTS"

Notice of Contract Award

Pursuant to section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the award of Contract No. HEW-100-77-0112 to the Survey Research Lab, University of Illinois, Urbana, Ill. 61801, for a research project entitled, "Methods for Collection, Measurement and Valuation of Four Selected Wealth Components". The purpose of this project is to develop strategies for collection of data to determine respondent's equity in (1) savings, (2) own home, (3) insurance, and (4) own farm or business. The contract was awarded at a cost of $68,541.00 and the intended completion date is April 28, 1978.

Dated: October 17, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

[FR Doc.77-30716 Filed 10-20-77;8:45 am]

[4110-12]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority (38 FR 18571, July 12, 1973, as amended by 42 FR 32845, June 28, 1977) is amended to identify the functions pertaining to health practice assessment, quality assurance, and Health Maintenance Organizations which are the responsibility of the Assistant Secretary for Health and to clarify the respective functions of the Public Health Service and the Health Care Financing Administration with respect to health policy and health standards. The Health Care Financing Administration will have the responsibility for initiating, drafting and implementing health care financing and quality assurance regulations. The Assistant Secretary for Health will provide broad policy guidance and scientific, professional, and technical advice to the Health Care Financing Administration on issues of health practice assessment, health status indicators, quality assurance, and health care financing, and will conduct general policy review for the Health Care Financing Administration on standards and regulations related to these issues.

Section HA-B Organization and Functions is amended as follows:

1. Delete the statement for the Office of Quality Standards (HAC) in its entirety and substitute the following statement:

Office of Health Practice Assessment (HAC). The Director of the Office of Health Practice Assessment: (1) Provides scientific, professional, and technical advice and serves as the principal advisor to the Assistant Secretary for Health concerning health practice assessment, quality of care, and Health Maintenance Organizations; (2) serves as the focal point for the Assistant Secretary for Health on technology assessment and transfer, health practice assessment and for coordination of Public Health Service activities in these areas; (3) serves as the focal point for the Assistant Secretary for Health to provide scientific, professional, and technical advice to the Health Care Financing Administration for the establishment of health standards and the development of quality assurance programs; (4) coordinates for the Assistant Secretary for Health efforts to inform the practicing community of the results of biomedical research, studies of efficacy of drugs, devices and medical procedures, and to integrate scientific and technical findings with ongoing quality assurance activities; (5) has responsibility for determining the qualification of organizations seeking to be a "qualified Health Maintenance Organization" under Title XIII of the Public Health Service Act; (6) assures the continued compliance by qualified Health Maintenance Organization program; and (7) administers the mandatory offering of the Health Maintenance Organization alternative in employee health benefit plans.

2. Change the title of the Office of the Health Maintenance Organizations Qualification and Compliance (HAC1) to read "Division of Health Maintenance Organizations Qualification and Compliance (HAC-1)." Change the second word in the first line of the functional statement from "Office" to "Division." The remainder of the functional statement remains the same.

3. Insert the following statement after the Division of Health Maintenance Organizations Qualifications and Compliance (HAC-1):

Division of Policy Development and Review (HAC-2). The Division: (1) Carries out the health care practice assessment and quality of care responsibilities of the Office of Health Practice Assessment; (2) coordinates the development of broad policy guidelines on health practices, quality assurance programs, and health care financing, for provision of advice and consultation by the Assistant Secretary for Health to the Health

Care Financing Administration; (3) coordinates the scientific, professional, and technical advice from the Public Health Service to be provided by the Assistant Secretary for Health to the Health Care Financing Administration on health care practices, technology assessment, and quality assurance programs for providers qualified under the Medicare and Medicaid programs; (4) coordinates Public Health Service resources required for the Assistant Secretary for Health to provide to the Health Care Financing Administration advice and consultation regarding reimbursable (covered services under the Department's health financing programs; (5) provides professional and administrative staff support to the National Professional Standards Review Council; (6) in collaboration with the Division of Health Maintenance Organizations Qualification and Compliance, develops policy for the quality assurance activities of Health Maintenance Organizations; (7) advises the Assistant Secretary for Health in carrying out his responsibilities for Pharmaceutical Reimbursement programs; and (8) coordinates the Assistant Secretary for Health's review and comments on regulations for health care and provider standards and quality assurance programs.

Dated: October 11, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-30621 Filed 10-20-77;8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-77-804]

TASK FORCE ON TENANT PARTICIPATION IN THE MANAGEMENT OF LOW-INCOME PUBLIC HOUSING

Establishment and Notice of Meeting

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice is given announcing the establishment and first meeting date of the Task Force.

SUMMARY: The Secretary hereby establishes a Task Force on Tenant Participation in the Management of Low-Income Public Housing and this notice announces the time and place for its first meeting. The Task Force will provide the Department with its views in developing comprehensive regulations governing tenant participation in the management of low-income public housing. The time, place, and agenda for the first Task Force meeting are announced.

DATE OF ESTABLISHMENT: The Task Force on Tenant Participation in the Management of Low-Income Public Housing shall be established effective on the filing of its Charter by the Secretary of Housing and Urban Development with the Senate Committee on Banking, Housing, and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs, these being the standing committees of Congress having legislative jurisdiction over the Department of Housing and Urban Development. The Task Force shall continue in existence for one year from the date of its establishment.

DATE OF FIRST MEETING: The first meeting of the Task Force is scheduled to be held over a two-day period beginning on November 7, 1977.

ADDRESS: Joseph Smith, Director, Consumer Liaison Division, Office of Consumer Affairs, Room 4212, or James F. Anderson, Acting Director, Project Management Division, Office of Assisted Housing Management, Room 6238, Department of Housing and Urban Development (451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Joseph Smith, 202-755-5360; James Anderson, 202-755-5658; Donald McLain, 202-755-5333.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) it is hereby determined that the establishment of the Task Force on Tenant Participation in the Management of Low-Income Public Housing is necessary, appropriate, and in the public interest in an effort to encourage workable partnerships in low-income public housing, involving tenants, Public Housing Agencies (PHAs), and HUD dedicated to improving the living conditions and housing options for low-income public housing tenants. The Task Force shall consist of representatives of the major concerned groups: tenants, PHAs, and HUD. The purpose of the Task Force will be to acquire continuing views of each of the groups on the issues, and provide recommendations to HUD on the development of regulations.

The membership of the Task Force on Tenant Participation in the Management of Low-Income Public Housing shall not exceed twelve (12) persons, all of whom will serve without compensation. Additional staff from other areas of the Department may be called upon to serve in an advisory capacity. The plan for balanced membership representing a diversity of viewpoints anticipates representation of tenants, national organizations, and HUD Federal employees, who represent broad geographical interest. The first meeting will be held in Room 2135, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C., on the date stated above.

The Agenda for the first meeting of the Task Force shall include the following:

1. Opening address.
2. Review of the purpose.
3. Identification of the major issues.
4. Discussion of the issues.
5. Closing remarks.

The meeting of the Task Force will be open to the public.

Issued at Washington, D.C., October 18, 1977.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc.77-30841 Filed 10-20-77;8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

KATEEL RIVER, MERIDIAN, ALASKA

Notice of Filing of Plat of Survey

OCTOBER 5, 1977.

1. Plat of survey of the lands described below will be officially filed in the Fairbanks District Office, Fairbanks, Alaska, effective at 10:00 a.m. November 20, 1977.

KATEEL RIVER MERIDIAN, ALASKA

T 18 N., R 18 W.
Sec. 25: Lots 1 to 4 inclusive.
Sec. 36: Lots 1 to 4 inclusive.
Containing 95.84 acres.

2. The land encompassed in this survey is situation approximately 4 miles northeast of Kotzebue, Alaska and consists mainly of bluff slopes and beach frontage along Kotzebue Sound.

3. Inquiries concerning the lands should be addressed to the District Manager, Fairbanks District Office, 1028 Aurora Drive, Fairbanks, Alaska 99701.

Dated: October 10, 1977, Fairbanks District Office, Fairbanks, Alaska.

RICHARD H. LEDOSQUET,
District Manager.

[FR Doc.77-30703 Filed 10-20-77;8:45 am]

[4310-84]

KATEEL RIVER MERIDIAN, ALASKA

Notice of Filing of Plat of Survey

OCTOBER 5, 1977.

1. Plat of survey of the lands described below will be officially filed in the Fairbanks District Office, Fairbanks, Alaska, effective at 10:00 a.m., November 20, 1977.

KATEEL RIVER MERIDIAN, ALASKA

T. 18 N., R. 17 W.,
Sec. 19: Lots 1 to 8 inclusive, SE¼SE¼, W½SE¼, SE¼SW¼;
Sec. 20: Lots 1 and 2;
Sec. 29: Lots 1 to 4 inclusive, W½SW¼;
Sec. 30: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 31: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 32: Lots 1 to 3 inclusive, NW¼, SW¼, SE¼;
Sec. 33: Lots 1 to 4 inclusive, SE¼NE¼, SW¼, SE¼.

Containing 2840.95 acres.

2. The land encompased by this survey is situated approximately four miles northeast of Kotzebue, Alaska, and consists mainly of rolling tundra, at the top of the Baldroin Peninsula, between Kotzebue Sound and Hotham Inlet.

3. Inquiries concerning the land should be addressed to the District Manager, Fairbanks District Office, 1028 Aurora Drive, Fairbanks, Alaska 99701.

Dated: October 10, 1977, Fairbanks, District Office, Fairbanks, Alaska.

RICHARD H. LEDOSQUET,
District Manager.

[FR Doc.77-30703 Filed 10-20-77;8:45 am]

[4310-84]

KATEEL RIVER MERIDIAN, ALASKA

Notice of Filing of Plat of Survey

OCTOBER 5, 1977.

NOTICE OF FILING OF PLAT OF SURVEY

1. Plat of survey of the lands described below will be officially filed in the Fairbanks District Office, Fairbanks, Alaska, effective at 10:00 a.m. November 20, 1977.

KATEEL RIVER MERIDIAN, ALASKA

T. 17 N., R. 17 W.,
Sec. 6: Lots 1 to 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 18: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 19: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 30: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 31: Lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, SE¼.

Containing 3725.75 acres.

2. The land encompased in this survey is situated approximately 3 miles southeast of Kotzebue, Alaska and is rolling tundra. High ridges approximately 100 to 200 feet above sea level are covered with willow brush and are interspersed with low swampy areas. There are several lakes in the low areas with small ponds occurring on the high ridges.

3. Inquiries concerning the lands should be addressed to the District Manager, Fairbanks District Office, 1028 Aurora Drive, Fairbanks, Alaska 99701.

Dated: October 10, 1977, Fairbanks District Office, Fairbanks, Alaska.

RICHARD H. LEDOSQUET,
District Manager.

[FR Doc.77-30704 Filed 10-20-77;8:45 am]

[4310-84]

KATEEL RIVER, MERIDIAN, ALASKA

Notice of Filing of Plat of Survey

OCTOBER 6, 1977.

1. Plat of survey of the lands described below will be officially filed in the Fairbanks District Office, Fairbanks, Alaska, effective at 10:00 a.m. November 21, 1977.

KATEEL RIVER MERIDIAN, ALASKA

T. 17 N., R. 18 W.,
Sec. 1: Lots 1 to 5 inclusive, NE¼NE¼, S½NE¼, SW¼, SE¼;
Sec. 2: Lots 1 to 6 inclusive, SE¼SE¼;
Sec. 10: Lot 1;
Sec. 11: Lots 1 to 5 inclusive, NE¼, NE¼SE¼NW¼, E½SE¼SE¼NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 12: Lot 1, NE¼, NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 13: Lots 1 to 3 inclusive, NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 14: Lot 1, NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼;
Sec. 15: Lots 1 to 5 inclusive, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 16: Lot 1;
Sec. 21: Lots 1 to 5 inclusive, SE¼NE¼, E½SE¼;
Sec. 22: Lot 1, NE¼, E½NW¼, SW¼NW¼, SW¼, SE¼;
Sec. 23: Lots 1 and 2, NE¼, S½NW¼, SW¼, SE¼;
Sec. 24: Lots 1 to 5 inclusive, NE¼NE¼, W½NE¼, NW¼, N½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 25: Lots 1 to 7 inclusive, E½NE¼, SW¼, SE¼;
Sec. 26: All;
Sec. 27: Lots 1 to 3 inclusive, NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 28: Lots 1 and 2;
Sec. 34: Lots 1 to 5 inclusive, E½NE¼;
Sec. 35: Lot 1, NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 36: All.

Containing 8797.47 acres.

2. The land encompassed by this survey is situated South and East of Kotzebue, Alaska, and is predominately rolling tundra with moderate tussocks interspersed with patches of willow brush. The area is covered with small lakes and ponds, from some of which Kotzebue and the military base in section 27 procure domestic water. The soil is a glacial gray clay, covered with about 18 inches of black muck, with perma frost throughout the area. Gravel occurs on beaches along the base of the bluffs and Kotzebue Spit facing Kotzebue Sound.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provision of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the District Manager, Fairbanks District Office, 1028 Aurora Drive, Fairbanks, Alaska 99701.

Dated: October 10, 1977, Fairbanks District Office, Fairbanks, Alaska.

RICHARD H. LEDOSQUET,
District Manager.

[FR Doc.77-30705 Filed 10-20-77;8:45 am]

[4310-84]

[Colorado 25097-RW]

COLORADO INTERSTATE GAS CO.

Notice of Pipeline Application

OCTOBER 12, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, Colo. 80944, has applied for a right-of-way for two 4.5-inch o.d. natural gas pipelines totalling slightly less than one and one-half miles across the following public lands in Moffat County, Colorado:

T. 12 N., R. 99 W., 6th P.M.
Sections 23, 26, and 27.

The facilities will enable applicant to convey natural gas from Shell Creek No. 2 and 4 natural gas wells in the Shell Creek Unit Area to meet customer demand for increased natural gas supply in applicants' service area.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Acting Chief, Branch of Adjudication.

[FR Doc.77-30706 Filed 10-20-77;8:45 am]

[4310-84]

[Wyoming 0321596 Amdt.]

WYOMING

Notice of Application

OCTOBER 11, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Kansas-Nebraska Natural Gas Co., Inc., of Hastings, Nebr., filed an application for a right-of-way amendment to construct a compressor site for the purpose of processing natural gas on the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 68 W.
Sec. 19, SW¼NE¼.

The compressor site will be used to process natural gas delivered by various pipelines in Converse County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Per-

sons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Blvd., Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-30707 Filed 10-20-77;8:45 am]

[4310-84]

[Wyoming 61124]

WYOMING

Notice of Application

OCTOBER 13, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Belle Fourche Pipeline Co. of Casper, Wyo., filed an application for a right-of-way to construct a 4½ inch crude oil pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 69 W.,
Sec. 19, S½NE¼.

The pipeline will be used to transport crude oil from a well in NW¼NE¼ of sec. 19, T. 36 N., R. 69 W., to an existing line in the SE¼NE¼ of sec. 19, T. 36 N., R. 69 W. in Converse County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-30708 Filed 10-20-77;8:45 am]

[4310-31]

Geological Survey

WYOMING

Proposed Approval of Coal Mining Plan

In accordance with the requirements of 30 CFR Part 211.5(c)(2), notice is hereby given that Amax Coal Co., 205 South Ross Avenue, Gillette, Wyo. 82716, has submitted a plan to mine coal by surface mining methods on Federal coal lease Wyoming 0313773. The mining plan for Eagle Butte Mine (formerly called the North Belle Ayr Mine) was initially received for review by the Area Mining Supervisor on April 29, 1974. The Eagle Butte open pit mine will affect all or parts of secs. 16, 21, 22, 23, 26, 27, 28, 34, and 35 in T. 51 N., R. 72 W., 6th P.M., Campbell County, Wyo. The plan proposes producing up to 20,000,000 tons per year between 1978 and 2014.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plan. An Environmental Impact Statement (FES 77-33) on the specific mining plan was filed with the President's Council on Environmental Quality on August 23, 1977.

Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and a description of the requestor's interest which is or may be adversely affected.

All requests should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 2550, Billings, Mont. 59103, on or before November 10, 1977. No decision on the mining plan will be made prior to 20 days from the date of publication of this notice and prior to Secretarial review and concurrence.

Public hearings were held on June 24, through June 28, 1974, for the Final Environmental Impact Statement on "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming (FES 74-55)." The regional Environmental Impact Statement conceptually considered the Eagle Butte proposal. Comments received on the draft Environmental Impact Statement on the specific Eagle Butte proposal (DES 76-36) were considered in preparing the final statement (FES 77-33). No requests for public hearings on the draft Environmental Impact Statement were received, and no public hearings were held. The Department may, after reviewing the comments on the plan, determine that no additional public hearings will be required.

Dated: October 13, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-30709 Filed 10-20-77;8:45 am]

[4310-70]

National Park Service

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Thursday, November 10, 1977, at 10 a.m. at the Riverways' Headquarters on U.S. Highway 60 in Van Buren, Mo.

The Commission was established by Pub. L. 88-429 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are:

Dr. Oscar Hawksley, Warrensburg, Mo. (Chairman)
Mr. Kirby Hart, Houston, Mo.
Mr. James A. Roark, Hunter, Mo.
Mr. Carlton E. Bay, Salem, Mo.
Mr. Edward Hodge, Eminence, Mo.

Matters to be discussed at this meeting include:

1. Status of Statement for Management.
2. Status of the river use management plan with suggestions for obtaining public input.
3. Overview of the resources management plan with a discussion of topics for inclusion.
4. Budget for FY 1978.
5. Operation of new facilities at Big, Round, and Alley Springs.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Arthur L. Sullivan, Superintendent, Ozark National Scenic Riverways, P.O. Box 490, Van Buren, Mo., telephone 314-323-4236. Minutes of the meeting will be available four weeks after the meeting at Ozark National Scenic Riverways Headquarters in Van Buren, Mo.

Dated: October 19, 1977.

RICHARD C. CURRY,
Chief, Office of Legislation, National Park Service.

[FR Doc.77-30339 Filed 10-20-77;8:45 am]

[4710-01]

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

REGULATION OF LAKE ERIE AND GREAT LAKES DIVERSION AND CONSUMPTIVE USES

Public Hearings

The International Joint Commission will conduct public hearings at the times and places noted below in response to two References from the Governments of Canada and the United States. The Commission will examine into and report on (1) possibilities of limited regulation of Lake Erie and (2) effects of existing and proposed diversions within, into or out of the Great Lakes Basin and the effects of existing and reasonable foreseeable patterns of consumptive uses on Great Lakes water levels and flows.

The Commission has established two international boards to carry out the necessary studies and the views of the public will be considered by these boards. Anyone, on his own behalf or in a representative capacity, may offer pertinent information to assist the Commission.

Time may be limited so a summary statement taking no more than 10 minutes should be given. A longer, fuller statement in writing may be submitted for the record. If possible, 30 copies of each statement should be provided for distribution to the news media and Commission purposes.

Copies of the letters of Reference are available from the undersigned.

TIMES AND PLACES OF HEARINGS

Hotel de Ville, Chateauguay, Quebec, November 15, 2 p.m. and 7 p.m.
Holiday Inn, Chicago-O'Hare Airport, U.S. Hwy. 12 and 45, 3801 Mannheim Road, Schiller Park, Ill., November 16, 3 p.m. and 7:30 p.m.
Ramada Inn, Glendale Exit I 74, 415 St. Mark Court, Peoria, Ill., November 17, 2 p.m. and 7 p.m.
Auditorium, 31st Floor, Celebrezze Federal Building, 1240 East 9th St., Cleveland, Ohio, December 5, 2 p.m. and 7 p.m.
Statler Hilton Hotel, Empire State Ballroom, 107 Delaware Avenue, Buffalo, N.Y., December 6, 2 p.m. and 7 p.m.

WILLIAM A. BULLARD,
Secretary, U.S. Section.

OCTOBER 17, 1977.

Holiday Inn, Windsor, Ontario, December 7, 2 p.m. and 7 p.m.
Superior Room, Macdonald Block, Bay & Wellesley Sts., Queens Park, Toronto, December 8, 2 p.m. and 7 p.m.

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission, Suite 200, 1717 H Street NW., Washington, D.C. 20440. STOP 86, 202-296-2142.

DAVID G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, Ontario, Canada, KIP 5H3, 613-992-2945.

[FR Doc.77-30742 Filed 10-20-77;8:45 am]

[4510-01]

DEPARTMENT OF LABOR

Employment and Training Administration

APPLICATION PROCESS FOR GRANTS UNDER TITLE III, PART C, SUBPART 1 OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice contains guidelines for the application process for grants under Title III, Part C, Subpart 1 of the Comprehensive Employment and Training Act.

DATES: Comments due by November 21, 1977.

ADDRESSES: Comments may be sent to Mr. Robert McConnon, Deputy Assistant Secretary for Employment and Training, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: On August 5, 1977, the Youth Employment and Demonstration Projects Act of 1977 became law. This Act, among other things, amended the Comprehensive Employment and Training Act of 1973 (CETA) by adding a new Part C, subpart 1 to Title III of CETA. Title III, Part C, subpart 1 provides for the funding of Youth Incentive Entitlement Pilot Projects (YIEPP) whereby economically disadvantaged youths in certain areas of the country (as determined by the Secretary of Labor) will be entitled to Federally funded employment.

Prime Sponsors under Title I of CETA are eligible to apply for YIEPP funds. On September 2, 1977, the Assistant Secretary of Labor for Employment and Training sent to every Title I prime sponsor a document containing the application guidelines for applying for YIEPP funds. Pursuant to Sec. 702(a) of CETA the Department is publishing the application guidelines so that the public may comment on them.

Because of the very high degree of unemployment of economically disadvantaged youth, the Department has moved quickly to implement the YIEPP program. By October 3, 1977, the date set in the application guidelines, the Department received over 150 preapplications for funds from prime sponsors. Final applicants from among the preapplicants will be announced in the near future. Nonetheless, the Department will seriously consider all comments received on the application process and, to the extent necessary and appropriate, will make adjustments with respect to the choice of final applicants before the signing of program grants.

The application guidelines which were sent to all Title I prime sponsors on September 2, 1977, are as follows:

YOUTH INCENTIVE PILOT PROJECTS

PREAPPLICATION GUIDELINES FOR CETA PRIME SPONSORS

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I. INTRODUCTION

Following are the application guidelines for demonstration project grants for the "Youth Incentive Entitlement Pilot Projects" (YIEPP) authorized under Title II of the Youth Employment and Demonstration Projects Act of 1977 (YEDPA).[1] A copy of the YEDPA provision is provided as an attachment.

The basic purpose of YIEPP (hereafter called Entitlement Projects) is to test the notion of whether school-year (part-time) and summer (full-time) jobs can be feasibly guaranteed (an "entitlement") for 16-19 year old economically disadvantaged youths who are in secondary school, or who are willing to return to such a school or enroll in a course leading to a certificate of high school equivalency. It will also test whether such jobs will be an "incentive" to increase their high school retention, return, and completion.

Congress mandated that the entitlement approach be rigorously tested under varying geographic, economic, and other circumstances. Because of the high cost of guaranteeing year-round jobs to all in-school disadvantaged youths, only a limited number of demonstrations can be undertaken with available funds. In order to test whether jurisdictions can feasibly implement substantial programs, between 4 and 6 large scale or Tier I projects will be implemented. These will cover entire jurisdictions or neighborhoods. In order to test a number of secondary questions raised in the Act and to get a wider geographic spread, between 8 and 10 smaller or Tier II projects will be funded, demonstrating specific innovative entitlement approaches. These projects may cover only the area served by a particular school or small school district.

Approximately $100 million is available to support 4-6 Tier I projects. Thus, the maximum amount that would be available to support a single project is $25 million. Approximately $10 million will be used for the 8-10 Tier II projects, with $1.25 million being the maximum for a single project.

It is obvious that only a small number of areas which would be interested in guaranteeing employment for their economically disadvantaged youth can participate in this program. Congress gave the Secretary of Labor discretionary authority to determine the size and location of projects in order to assure that experimental and demonstration results are realized. Rather than pre-selecting sites, the Secretary has opted for a competitive process for both Tier I and Tier II funds.

These guidelines outline the procedures for preapplication submissions and the criteria by which they will be assessed. These criteria (discussed on page 10) take into account the requirement of the Act that prime sponsors selected to operate entitlement projects be "from areas with differing socioeconomic and

[1] YEDPA amends the Comprehensive Employment and Training Act of 1973 (CETA) by providing for YIEPP to be authorized under CETA Title III, Part C, Subpart 1. The YIEPP must operate in accordance with the provisions of sections 352 and 353 of Subpart 4 of the YEDPA. Regulations for Subpart 1 are being developed to reflect the procedures outlined in these guidelines.

regional circumstances, such as differing unemployment rates, school dropout rates, urban and rural variations, size and other factors * * *." In addition, the criteria reflect the requirement that in selecting sponsors consideration be given to the extent to which other funds will be devoted to carrying out the entitlement project. Other criteria include assessment of the managerial and operating capability of the prime sponsor, and the overall responsiveness of the pre-application to the guideline specifications.

The assessment of the pre-applications will be the basis for selecting a limited number of Tier I and Tier II final applicants. The recommendations for selection will be made to the Assistant Secretary for ETA by a representative independent, Entitlement Selection and Review Panel. The final applicants will be given planning grants and careful on-site reviews of program capability will be conducted. Based on the findings of these site visits, a review of the final applications, and other considerations pertinent to achieving the geographic and program balance specified in the Act, the Selection and Review Panel will make final recommendations to the Assistant Secretary for ETA who will then make the selection.

All CETA prime sponsors designated to operate Title I programs in Fiscal Year 1978 may submit pre-applications for one Tier I and/or one Tier II project. If both Tier I and Tier II projects are submitted, separate pre-applications must be submitted.

Prime sponsors are asked to consider several factors in deciding whether or not to submit a pre-application. The Entitlement program is a demonstration pilot project and cannot be expected to be continued. The probabilities of being selected are limited. The timeframes set forth in the following schedule are very tight and must be met if Entitlement Projects are to be operational by January 1978. The information requested in the pre-application is substantial, yet necessary if honest, qualitative distinctions are to be made among prime sponsors. Thus, every prime sponsor is not expected to apply. Only those sponsors who feel they can adequately respond to the pre-application specifications within the brief time allotted should go through that effort.

II. Timetable and Pre-Application Process

Selected projects will be financed to operate during the 18-month period from January 1, 1978, through June 30, 1979. It is anticipated that youth participation will generally coincide with the start of the second (or winter) semester of the 1977–78 school year, and that project completion will generally take place at the close of the 1978–79 school year.

To design and implement Entitlement Projects by January 1, 1978, it will be necessary to move rapidly. The following schedule must be met:

1. Letter of Intent

(a) By *September 16, 1977*, it is requested that sponsors who plan to apply for an Entitlement Project submit a letter indicating such intent (this will aid the ETA national and regional offices in knowing the expected volume of proposals and taking necessary steps to expedite their review).

2. Pre-Application

(a) By *October 3, 1977*, 5:00 p.m. e.d.t., pre-application submissions must be received in the national office to be considered for funding. Late pre-applications will not be considered.

(b) By *October 17, 1977*, a group of the more promising proposed Tier I and Tier II projects will be selected, sponsors notified, and planning grants provided shortly thereafter.

3. Final Application

(a) By *November 23, 1977*, 5:00 p.m., e.s.t., final application submissions must be received for consideration for full funding.

(b) By *December 12, 1977*, projects to be funded will be selected.

(c) By *January 15, 1978*, final negotiations on operating plans will be completed and demonstration project grants awarded for the period of January 1978, through June 1979.

III. Submittal of Pre-Application

1. Sponsors planning to submit a pre-application for an Entitlement Project are requested to send a letter of such intent to the Employment and Training (ETA) national office to:

Ms. Kitty Higgins, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Room 3011, Washington, D.C. 20213.

A copy of the letter should be sent to the appropriate Regional Administrator.

2. All informational questions should be addressed to:

Ms. Beverly Floyd, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Room 3011, Washington, D.C. 20213, 202-376-8202.

Technical assistance is not available during the pre-application stage.

3. The sponsor's pre-application is to be submitted as follows:

(a) Five copies are to be sent to the Regional Administrator for the appropriate regional office of the ETA (none need to have original signatures).

(b) One signed original and 14 copies are to be sent to the ETA national office (see item 1 for appropriate name and address).

IV. Pre-Application Specifications

The specifications below identify the types of information and data to be provided in the sponsor's "pre-application" submission ("final application" procedures are discussed on page 42). The application should clearly indicate whether it is for a Tier I or Tier II project. It is extremely important in completing the pre-application to follow the format outlined in these guidelines.

Sponsors should note that information provided in the pre-application will, to a considerable extent, determine the selection of final applicants.

A. Demographic and Geographic Characteristics of Prime Sponsor Jurisdiction

1. *Background*

Since the entitlement approach is to be tested in a range of geographic, economic, and other area conditions, it is necessary to obtain selected data and information concerning the entire prime sponsor jurisdiction. For Balance of State and consortia prime sponsors the information should be provided for the labor market area in which the Entitlement Project would operate.

The application should specify, in all instances, the data source and method of estimation employed to produce the information requested below, each of which pertains to the sponsor's entire jurisdiction with the exception of Balance of State and consortia sponsors.

It is recognized that data for some of the items requested below may not be readily available. Sponsors should respond to these items as sufficiently as possible using the best available sources.

2. *Information Requested*

A. The following information can be obtained from the approved Prime Sponsor Agreement.

1. Geographic and political boundaries.
2. Most recent population survey data, by age, race, and sex.
3. Most recent data on poverty levels in the area, by age, race, and sex.
4. Labor force data including employment and unemployment figures by age, race, and sex.
5. Principal characteristics of the labor market (size of major industries, growth trends, etc.).

B. Information on the following items should be based on the prime sponsor's best estimates using the 1970 census and updates, the Office of Education Survey of Income and Education, and local school data.

1. The size of the eligible population (16–19 years old, economically disadvantaged with no high school diploma or equivalent).[2]
2. Break down the eligible population identified above showing those currently in-school and out-of-school, and for each of these groups the total employed (part-time, full-time), unemployed, and not in the labor force.

1. *Background*

Sponsor applications must identify the geographic area to be designated as the Entitlement Area. Prime sponsors may select a subpart of their jurisdiction. All eligible youth residing in that area will

[2] The definition of "economically disadvantaged" is based on OMB poverty guidelines. A copy of these guidelines is provided as an attachment.

be offered an entitlement opportunity. It must be a discrete geographic area which can be delineated by a single set of boundaries on a map (it cannot be noncontiguous geographic units).

On bases of various financial, research and other considerations, it has been determined that the Entitlement Area for Tier I projects must contain at least 3,500 and no more than 12,000[3] eligible (in-school and out-of-school) youth. For Tier II projects, the Entitlement Area must include no more than 1,500[3] eligible youth but may be smaller.

If feasible for Tier I projects, it would be preferable for the geographic boundaries of the Entitlement Area to coincide with the boundaries of the public secondary school system or an identifiable subpart of that system, as a means of minimizing the possibility of having project eligible youth attending public schools located outside the Entitlement Area. This circumstance would help simplify various administrative and research considerations.

In designating the Entitlement area, sponsors should also consider the need to locate jobs for Tier I projects primarily in that area. They may wish to include low-residential commercial districts as part of the designated area.

2. *Information Requested*

If the designated Entitlement Area is different from the geographical area covered in IVA above, the information requested in IVA should also be presented for the Entitlement Area.

C. ESTIMATED JOB DEMAND IN THE ENTITLEMENT AREA

1. *Background*

Employment opportunities must be provided to all eligible youth in the Entitlement Area. It is critically important to estimate the number of these youth who will seek jobs. The estimate must consider not only unemployed in-school youth, but those not looking for jobs who would take them if available, and others who would choose in-school project jobs over possible employment alternatives, as well as youths not currently in school who would return.

Because of the necessity to guarantee a job to every eligible youth who applies, the reasonableness of the estimates will be a significant criterion to assess the prime sponsor's capacity to participate in a sophisticated experiment of this nature.

2. *Information Requested*

Estimate, by the best available data, the number of youth who will seek entitlement jobs. Describe the estimation methodology.

[3] Prime sponsors who wish to test the Entitlement concept in an area with more than 12,000/1,500 eligible youth may propose to do so only if they can finance 100 percent of the extra costs to be incurred.

D. SCHOOLS IN ENTITLEMENT AREA

1. *Background*

The application should describe the public and private secondary school systems attended by project eligible youth residing in the proposed Entitlement Area.

2. *Information Requested*

For each public and private school system, provide:

a. A description of the organization and administration of the secondary school system.

b. An identification of the proportion of the Entitlement Area's eligible secondary school population who are attending schools located only in the Entitlement Area.

c. A list of the names and addresses of the secondary schools (Grades 9–12) located in the Entitlement Area, and for each such secondary school:

(1) Identification of the most recent and reliable data on total pupil population, total subpopulation of youth eligible for the Entitlement Project, and school dropout rates. The information on dropout rates should be as detailed as possible and describe the method by which these rates were calculated.

(2) A description of current formalized work-study, cooperative and special career-education programs, and the numbers enrolled.

(3) A description of notable special programs already being undertaken for economically disadvantaged youth to promote retention in, return to, and completion of school, including alternative education programs.

(d) One or more maps of the proposed Entitlement Area which are marked to clearly (1) delineate the geographic boundaries for each school system in the Entitlement Area, (2) identify the street location of each public and private secondary school in that area, and (3) show the attendance zone for each public secondary school.

E. DESCRIPTION OF EXISTING YOUTH PROGRAMS

1. *Background*

Major considerations in the choice of prime sponsors are their experience with youth programs, the evidence of innovative approaches, and the commitment to youth activities.

2. *Information Requested*

a. Describe the prime sponsor's existing Title I and Title III programs for the 16–19 year old youth population. The description should include funding levels and numbers of participating youth, separately calculated for each of the program activities listed below. To the extent possible, actual funding levels and numbers of youth served should be provided for FY 1977 and currently planned figures for FY 1978. Where applicable, the number of youth being served in each category should be broken out between in-school and out-of-school participants:

Classroom training.
On-the-job training.
Public Service employment.
Work experience.
Summer work program.

To the degree possible, also describe the programs to be funded and numbers of youth to be served under the following formula funded YEDPA programs: Youth Community Conservation and Improvement Projects, and Youth Employment and Training Programs.

b. Provide the best possible dollar estimates of CETA youth program operations in the Entitlement Area in fiscal 1977 and the level in fiscal 1978 not counting Entitlement funds.

c. Describe how current CETA youth programs will complement and be integrated with the Entitlement Project.

d. Describe any innovative or model programs in the prime sponsor area which would indicate a unique capacity to fulfill responsibilities under the Entitlement Project.

F. INNOVATIVE APPROACHES

1. *Background*

The YEDPA raised the possibility of testing a variety of innovative employment and training approaches within the larger context of the Entitlement program. The use of any of these approaches should not cover an entire Tier I project, where the basic purpose is to test the Entitlement notion itself, but they may be used as a component of Tier I proposals. Tier II projects should include one or more of these approaches so they can be clearly tested.

The innovative variants of Entitlement to be tested can include the following:

The use of subsidies to private for-profit employers to encourage such employers to provide employment and training opportunities. In no case should the subsidy exceed the net cost to the employer of the wages paid and training provided.

Arrangements with unions to enable eligible youth to enter into apprenticeship training as part of the employment provided.

Inclusion of economically disadvantaged youth between the ages of 19 and 25 who have not received their high school diploma or equivalent.

Inclusion of occupational and career counseling, outreach, career exploration, and on-the-job training as part of the employment entitlement.

Inclusion of youth under the jurisdiction of the juvenile or criminal justice system with approval of the appropriate authorities.

The Department of Labor is especially interested also in experimenting with the use of Entitlement to promote completion of high school by young unwed mothers.

Prime sponsors can propose to undertake other innovative approaches. Adequate justification must be provided.

2. *Information Requested*

If any of these apporaches are to be given major emphasis under Tier II, or included as part of Tier I plans, the application should identify how the approach will be implemented and administered, describing the area in which it would be implemented; and estimating the size of the eligible population that would be involved.

G. PROJECT ORGANIZATION AND ADMINISTRATION

1. *Background*

Because of the size and complexity of the Entitlement Projects, a single governmental, private nonprofit, or educational agency should be designated to assume overall management responsibility for program operations, including coordinating participant recruitment, work site development, operational relationships among schools, training activities and support services, program monitoring, report preparation, and maintenance of management information. The prime sponsor may assume or delegate this responsibility.

For the Entitlement Project, it is required that the overall youth participant payroll be centrally administered. Administration of the payroll may be performed by either the designated management agency or by the prime sponsor. Finally, since this is a demonstration project, extensive research, monitoring, and evaluation must be carried out under the supervision of the Department of Labor in cooperation with the prime sponsors.

2. *Information Requested*

a. Identify the designated responsible management agency and describe its proposed staffing structure for the Entitlement Project, its previous experience with employment and training programs for the prime sponsor, its specific capabilities for managing the project, and its relationship to the prime sponsor.

b. Indicate whether the prime sponsor or the management agency will administer the payroll and explain the rationale for the choice.

c. Indicate procedures which will be used locally for monitoring program operations.

d. Provide a statement of intent from the prime sponsor to cooperate fully in the design, implementation, and evaluation of the Entitlement program in order to assure that it meets rigorous experimental criteria.

H. PROGRAM OPERATIONS

1. *Recruitment*

a. *Background.* The "Entitlement" concept can only be meaningfully tested if eligible youth are aware of the option. It is important to provide information and some active outreach to potential participants.

b. *Information Requested.* The procedures for informing, referring, recruiting, and determining eligibility of participants (both in-school and out-of-school) should be detailed, including identification of the private and/or public agencies to be utilized for this purpose. Particular reference should be made to any proposed role of the State Employment Service with respect to these functions.

2. *Work-Site Development*

a. *Background.* The employment or combination of employment and training guaranteed under this program is intended to be year-round with no limitation on period of enrollment. However, the law specifies that this guarantee not exceed an average of 20 hours per week for each youth employed during the school year nor a maximum of 40 hours per week during the summer.[4] During the school year, the guarantee must extend for at least 6 months and during the summer for at least 8 weeks.

The opportunities guaranteed may take any of the forms specified in Section 326 of YEDPA, and are in effect only so long as eligible youth remain enrolled in high school or in a certified high school equivalency program. Out-of-school youth must return to school or enter an equivalency program in order to be eligible for the employment guarantee.

Based on estimates of the number of eligible youth who will seek employment in the Entitlement Project, the sponsor should plan for a larger number of jobs as a cushion in case the estimates are too low. The concept of an entitlement must be maintained, and make work jobs for unexpected numbers of applicants are not acceptable. In Tier I projects, all jobs must be primarily located in the Entitlement Area in order to test whether or not an area can feasibly employ youth on this large scale.

Section 352 of the Act requires that all jobs developed under the YEDPA must pay at least the Federal minimum wage. Prime sponsors should make every effort to develop jobs so that most of them will pay the minimum wage. In those few cases where a youth is employed in a subsidized job which is substantially the same in terms of job description, level of competency required, and conditions of work, to a job held by a nonsubsidized employee of the same employer, that youth is to be paid a rate based on the prevailing wage. In such cases, the representing labor organization, employer, and prime sponsor may enter into the agreement to pay the prevailing wage or a reduced rate which is not less than the Federal minimum. Where prevailing wages may be at issue, the application should describe the process to be used in determining wage rates, identifying the affected jobs and describing any negotiations or agreements that have been or will be undertaken between the prime sponsor, representing labor organizations, and employers.

Emphasis in work site development should be placed on jobs having careful supervision and which provide youth with structured, productive work settings. This employment should be designed to introduce youth to the habits of successful work life and entry level or preparatory skills. It should be noted that Section 327(a)(3) of the Act requires that one of the criteria for selecting Entitlement Projects is the extent to which new and different classifications, occupations, or restructured jobs are created for youth.

b. *Information Requested.* (1) The types and locations of jobs; (2) what phase-in, if any, would be necessary; (3) anticipated work site (hiring agent) administration and supervisory structure; (4) types of hiring agencies (government, nonprofit, education institution, private); (5) procedures to assure that restructured jobs will be discussed with related labor organizations and do not substitute for existing jobs, and procedures to assure that for youth performing substantially the same work as that of nonsubsidized employees, a rate based on the prevailing wage is paid.

3. *Training Support Services*

A. *Background.* The intent of Entitlement Projects is to provide youth employment. However, training and support services can be provided and local projects have some flexibility in determining the amount and types of training and services. For the purpose of planning, it should be assumed that a participant will spend most of paid program time (20 hours per week average during the school year, 40 hours maximum during the summer) engaged in direct job performance at the work site.

Any skill training that is conducted during paid program time should be directly related to the participant's specific work assignment.

Participants are to be paid allowances only for paid program time spent in training in accordance with 29 CFR 95.34.

Participants may not be paid for time spent in supportive services. Thus, if services are provided, they should be scheduled and made available during nonpaid program time.

Prime sponsors are discouraged from paying for staff and overhead costs for training and support services out of Entitlement funds. In evaluating applications, consideration will be given to how much of the sponsor's other funds will be used to cover these costs.

b. *Information Requested.* Identify and describe the nature and extent of training and services to be included in the Entitlement Project and how these will relate to the work experience. This description should also identify organizations and resources that will be used to provide the training and services.

[4] In those areas in which school is in session year-round, full-time employment in the summer shall only be guaranteed to otherwise eligible youth who are not required to be in school by a compulsory education law.

4. *Entitlement Project—School Relationship*

a. *Background.* A substantial number of dropouts and high risk students may be added to school enrollments. Likewise, work will become more pervasive among students. Adjustments may be needed in the schools.

b. *Information Requested.* (1) Describe planned cooperation between the responsible officials representing the public and private secondary school systems enrolling eligible youth in the proposed Entitlement Area and the prime sponsor.

At a minimum the application should include written statements from responsible school officials indicating their agreement to: (i) Assist in participant recruitment (including having dropouts return to school) and eligibility determination; (ii) cooperate in the ongoing monitoring of enrollment and academic and attendance requirements, and; (iii) provide necessary information for effective project management and evaluation.

(2) Describe special procedures and actions that will be taken to facilitate the return of school dropouts.

(3) Identify area agencies which offer high school equivalency programs and provide agreements comparable to those described above for school systems.

I. COMMITMENT OF LOCAL INSTITUTIONS AND ORGANIZATIONS

1. *Background*

Prime sponsors should consult with the appropriate labor unions in developing restructured or newly classified jobs. During the pre-application stage, agreement should be secured on the general principles underlying proposed restructuring including an expressed willingness to resolve these issues expeditiously prior to program implementation.

The Act also requires the prime sponsor to consult and work with a number of other local institutions and organizations in planning and implementing the Entitlement Project, including law enforcement and judicial agencies, youth groups, community-based organizations, the private sector, and the State Employment Service. Arrangements should be made with the appropriate groups during the pre-application period to obtain the assistance of these groups in implementing the program.

2. *Information Requested*

The pre-application should contain letters of intent to cooperate from interested labor organizations, government officials, the State Employment Service, and other local organizations, associations or agencies involved with the client population..

J. DATA COLLECTION SYSTEMS

1. *Background*

It is anticipated that the national evaluation of Entitlement Projects will rely heavily on existing CETA and school system data collection systems. Effectively operating systems will, therefore, also be a criterion in selection of projects.

2. *Information Requested*

a. Describe the currently operating prime sponsor CETA data collection and processing systems. This should indicate whether the system is automated or manual, the types and availability of information kept on individual participants, and the typical lag-time between a participant's enrollment or status change and availability of that information in the data system.

b. Describe data system reports, if any, which may be appropriate for this program that are used for prime sponsor management purposes, but which differ from the regularly required Federal reports on program and financial performance. Describe these special reports and indicate the frequency of their production.

c. Describe the currently operating data collection systems used by the secondary school systems in the proposed Entitlement Area with respect to student enrollment, attendance, performance and dropouts.

K. BUDGET

1. *Background*

Costs should be estimated on the matrix which follows for the period January 1, 1978, through June 30, 1979 (or the end of the 1978–79 school year, whichever comes first). It is expected that portions of funding available under other programs (in particular, CETA Titles I and III) will be used in support of the Entitlement Project. For Columns B–F, please indicate the amount of funds to be utilized for Entitlement, and for Columns D, E, and F, the specific source of these funds. While no specific formula is stipulated, the local funding commitment will be a significant factor in the selection of demonstration sites. The application should also provide a brief narrative describing the derivation of each cost line item.

2. *Budget Information*

Proposed resources

Cost categories	Entitlement program funds	CETA title I	CETA title III	Other CETA	Other Federal, State, local	Other funds	Total
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
1. Administration:							
(a) Personnel							
(b) Nonpersonnel							
2. Allowances							
3. Wages:							
(a) School year							
(b) Summer							
4. Fringe benefits							
5. Work site supervision (salaries):							
(a) School year							
(b) Summer							
6. Worksite expenses:							
(a) Equipment							
(b) Supplies							
7. Training							
8. Services							
9. Total							

V. SELECTION PROCESS

A PRE-APPLICATION REVIEW CRITERIA

The prime sponsor pre-applications will be reviewed and systematically rated by an impartial, interdisciplinary review panel which will make recommendations to the Assistant Secretary for ETA. The same basic criteria will be used to rate both Tier I and Tier II Entitlement Project proposals. However, because of differences in scale and emphasis, certain criteria will have greater relative importance for Tier I than for Tier II ratings.

The following is a list of major criteria common to both Tier I and Tier II:

(1) Quality and thoroughness of responses to specifications outlined in application guidelines.

(2) Assessment of the managerial, administrative, operating, and fiscal capability of the prime sponsor and, as appropriate, the designatetd local program management agency.

(3) Level of commitment of other local resources to the Entitlement Project.

(4) Degree to which Entitlement will be integrated with local education, career development, and employment and training programs for economically disadvantaged youth.

(5) Commitment of cooperation and participation from local school systems, labor organizations, and other interested local groups.

(6) Assessment of prime sponsors' and, as appropriate, managing agencies' previous experiences with in-school employment prorgams and career education and special programs for dropouts.

(7) Analysis of the proposed budget in terms of total cost, unit cost, and cost structure.

(8) Commitment to and ability to satisfy data needs required by the research and demonstration character of the Entitlement Program.

(9) Consideration of demonstration requirements to develop programs in areas with different unemployment rates, school dropout rates, urban and rural variations, differing population size and

mix and other such factors, designed to test the program in a national context.

The following major criteria will have greater relative importance for Tier I as compared to Tier II:

(1) Assessment of local sponsors' estimated youth participation rate and plans for recruiting and serving eligible population within the proposed Entitlement Area.

(2) Assessment of local sites' capability to provide employment and training opportunities of sufficient quantity and quality to satisfy the objectives of the Entitlement Program.

The following major criteria will have greater relative importance for Tier II as compared to Tier I:

(1) The extent to which quality work sites are proposed which include new and different job classifications, occupations, or restructured jobs.

(2) Quality and feasibility of innovative approaches developed in response to but not limited to those listed in section 327(b) of the Act.

B. REVIEW AND SELECTION OF FINAL APPLICANTS

1. Regional Office Review—Each ETA regional office will review proposals submitted by sponsors in its region. This review will take into account the selection criteria and is particularly important in identifying the sponsors' managerial and administrative capability and their fiscal operational effectiveness as demonstrated by past performance with other CETA programs.

2. The impartial, interdisciplinary Entitlement Selection and Review Panel will consider the merits of each application and the comments of the regional office. It will weigh these in light of the requirements for a national mix of projects and approaches. It will, then, make recommendations to the Assistant Secretary for ETA.

3. The Assistant Secretary will make a selection based on the recommendations of the panel. Sponsors who have been selected will be notified in writing. Those who have not been selected will also be notified and justification for nonselection will be available upon request.

C. FINAL APPLICATION AND SELECTION

1. Sponsors who have been selected to make a final application will be provided planning grants to prepare their final applications. Specifications will be provided to sponsors at the same time that planning grants are awarded.

2. During the planning period, onsite reviews will be carried out by a designated agent of the Department of Labor to examine the validity of proposals and the qualitative aspects of local institutions.

3. Based on these reviews and the final applications, and weighing these in light of the requirements for a balanced demonstration design, the Entitlement Review and Selection Panel will make prioritized recommendations to the Assistant Secretary for both Tier I and Tier II proposals.

4. The Assistant Secretary shall select Entitlement projects. Prime sponsors will be immediately notified in writing whether or not they have been selected. Justification for selection and nonselection will be available.

Signed at Washington, D.C., this 19th day of October 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-30868 Filed 10-19-77;3:59 pm]

[4510-30]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of 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 taken 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 on or before November 4, 1977 to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 17th day of October, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING OCTOBER 14, 1977

Name of applicant and location of enterprise	*Principal product or activity*
Karg Bros., Inc., Johnstown, N.Y.	Custom tanning and finishing of hides and skins.
W. P. Brown & Sons, Inc., Denham Springs, La.	Bowling alley.
Warner Fertilizer Co., Inc., Albany, Ky.	Manufacture of fertilizer and sales of ag chemicals and seeds.
Omnitec Corporation, Grand Haven, Mich.	Manufacture of metal fabricated food service equipment.
Gene W. Palmer, Rex, Idaho.	Rental of mobile home spaces.
AmericanDevelopment Corp., Mandeville, La.	Manufacture of modular homes.
Insul-Fluff, Inc., Lewistown, Pa.	Manufacturing and marketing of cellulose fiber insulation.
Carroll Truck Lines, Inc., West, Miss.	Trucking and cotton gin operations.
Century Insulation Mfg., Co., Union, Miss.	Manufacture of polystyrene-insulation accessories and related products.
Hy-Gain De Puerto Rico, Inc., Humacao, P.R.	Manufacture of electronic equipment.
Spring Hope Rockwool, Inc., Spring Hope, N.C.	Manufacture of rockwool building insulation.
Dixieland, U.S.A., Collins, Miss.	Family theme park.

[FR Doc.77-30594 Filed 10-20-77;8:45 am]

[4510-30]

JOB CORPS

Proposed Job Corps Center at Bainbridge Naval Training Center, Bainbridge, Maryland, 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 Bainbridge Naval Training Center, Bainbridge, Md., 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 establishing a Job Corps center, which will be known as the Susquehanna Job Corps Center, at the Bainbridge Naval Training Center.

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 Susquehanna Job Corps Center will be a training center with residential, nonresidential and educaional facilities for approximately 500 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 165 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

It is intended that the center be used for essentially the same purposes as used by the previous occupant, specifically, residential living and instruction.

The center will be a self-contained facility located near the Susquehanna River, approximately 50 miles north of Baltimore, Md. The portion of the site to be utilized consists of approximately 165 acres of land with 40 buildings of which approximately 28 buildings will be occupied for the program.

Water service and sewage collection are provided through the base utility systems. These utilities are owned and operated by the U.S. Government, and they are more than adequate to meet the required capacity, and standards for a Job Corps center.

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 29th day of September, 1977.

RAYMOND E. YOUNG,
Acting Director,
Job Corps.

[FR Doc.77-30774 Filed 10-20-77;8:45 am]

[4510-30]

JOB CORPS

Proposed Job Corps Center at the John XXIII Center, Chautaugua County, N.Y.; 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 John XXIII Center, Chautaugua County, N.Y., does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION CONTACT:

John H. Stetson, 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 of 1973, as amended (CETA), 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 establishing a Job Corps center at the John XXIII Center 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 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 John XXIII Job Corps Center will be 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 90 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 the countryside south of Buffalo, N.Y., and north of Erie, Pa. The site is located on approximately 156 acres of partially wooded land consisting of 13 buildings and recreation facilities.

Onsite sewage treatment facilities will be upgraded as required to meet applicable Federal, State, and local standards. This will be accomplished by the installation of a system of greater capacity to adequately serve the center.

Domestic water service is provided to the site by the city of Cassadaga, New York. The system which includes an onsite pumping station and a 106,000 gallon storage tower which services existing buildings is adequate to meet the local capacity and standards for the proposed site utilization.

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 United States 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 9th day of September, 1977.

JOHN N. STETSON,
Director, Job Corps.

[FR Doc.77-30775 Filed 10-20-77;8:45 am]

[4510-30]

JOB CORPS

Proposed Job Corps Center at the University of Dayton (Western Campus), Dayton, Ohio; 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 University of Dayton's Western Campus, Dayton, Ohio, does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION CONTACT:

John E. Stetson, 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 of 1973, as amended (CETA), 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 establishing a Job Corps center at the University of Dayton site.

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 environment 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 Dayton Job Corps Center will be a training center with residential, nonresidential, and educational facilities for approximately 300 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 100 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 located on the Western Campus at the University of Dayton, Dayton, Ohio. The facility is located on approximately 66 acres of land consisting of a large main building with four interconnected wings and a hangar type building which will be utilized for vocational education and recreation. The center will be a self-contained facility entirely enclosed by fence.

Domestic water and sewage collection systems to the main building are provided by the city of Dayton. Modifications to site utility systems will be accomplished to provide utility service to the hangar type building to meet the load capacity and standards for the proposed site utilization as required by applicable Federal, State, and local standards.

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 United States 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 9th day of September 1977.

JOHN H. STETSON,
Director, Job Corps.

[FR Doc.77-30776 Filed 10-20-77;8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2232]

BETTY-ANN

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 29, 1977, in response to a worker petition received on July 26, 1977, which was filed by the Baby Bonnet Workers Union Local 110 affiliated with the United Hatters, Cap and Millinery Workers International Union on behalf of workers and producing baby bonnets, infant hats, surfers, flops, rollers, etc. at Betty-Ann, New York, N.Y.

Notice of the investigation was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40288). No public hearing was requested and none was held.

During the course of the investigation, it was determined that the Baby Bonnet Workers Union Local 110 does not represent the workers at Betty-Ann, New York, N.Y. Section 221(a) of the Trade Act of 1974 stipulates that a petition for adjustment assistance must be filed by "a group of workers, or by their certified or recognized union or other duly authorized representative," of the firm specified in the petition.

Whereas the petition was not filed by a duly authorized representative of Betty-Ann, New York, N.Y., the petition is invalid. No determination of eligibility to apply for adjustment assistance can be made in the absence of a valid petition. Therefore, this investigation has been terminated.

Signed at Washington, D.C., this 20th day of September 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-30777 Filed 10-20-77;8:45 am]

[7520-01]

NATIONAL CAPITAL PLANNING COMMISSION

CITIZEN PARTICIPATION AND INTERGOVERNMENTAL LIAISON

Proposed Amendments to Procedures

The National Capital Planning Commission will consider, at its November 3, 1977, meeting, the adoption of proposed amendments to its Procedures for Citizen Participation and Intergovernmental Liaison adopted April 7, 1977 (42 FR 23886, May 11, 1977.

Interested organizations, agencies and citizens are requested to submit their views in writing to the Commission prior to November 1, 1977, addressed to:

Daniel H. Shear, Secretary, National Capital Planning Commission, Washington, D.C. 20576.

The proposed amendments are as follows:

1. Amend the first sentence of the second paragraph of Part I to read:

"Notice shall be sent to a list of organizations and individuals (hereinafter called "NCPC mailing list"), who have requested in writing such notice, that NCPC will review and act on a District element or amendment thereto."

2. Amend the first sentence of the first paragraph of Part II to read:

"A. *Citizen Participation.* Notice shall be sent to the NCPC mailing list that NCPC is circulating a draft statement of goals, objectives, criteria and alternative policies for review and comment."

3. Amend the first sentence of the first paragraph of Part III to read:

"A. *Citizen Participation.* Notice shall be given to the NCPC mailing list that NCPC will review and act on a Federal element or amendment thereto."

4. Amend the first sentence of the second paragraph of Part V to read:

"Notice shall be sent to the NCPC mailing list that NCPC will review and act on such plan or project."

5. Amend the first sentence of the first paragraph of Part VII to read:

"A. *Citizen Participation.* Notice shall be sent to the NCPC mailing list that NCPC is circulating a draft program for review and comment."

6. Amend the second paragraph of Part VIII to read:

"Notice shall be sent to the NCPC mailing list that NCPC will review and act on (1) Zoning Commission referrals, after public hearings, of proposed Zoning Commission actions pursuant to statute and (2) recommendations or requests for NCPC participation in cases before the Zoning Commission and the Board

of Zoning Adjustment at or before public hearings thereon. The notice shall solicit written comments prior to and oral comments at an open session Commission meeting."

DANIEL H. SHEAR,
Secretary.

OCTOBER 7, 1977.

[FR Doc.77-30710 Filed 10-20-77;8:45 am]

[7520-01]

MEETING

Tentative Agenda Items

In order to provide notice regarding matters which may be acted upon by the Commission and to solicit written comments prior to and oral comments at meetings of the Commission in accordance with the Commision's Procedures for Citizen Participation and Intergovernmental Liaison, approved April 7, 1977, there is set forth below a list of agenda items tentatively scheduled for consideration by the Commission at its meeting at 9:30 a.m. on November 3 and 10, 1977, and at subsequent meetings. The Commission meets in its Tenth Floor Conference Room at 1325 G Street NW., Washington, D.C.

NOVEMBER 3 AND 10, 1977

File No.	*Item*
CP14	Prince George's County, Md., fiscal years 1978-1983 Capital Improvements Program. (Commission action requested: Comments on Federal interest to Prince George's County Council.)
0029	Metro: Rockville Route—Air Conditioning Facility Chiller.
MP44	Plant and Cooling Towers (National Zoological Park). (Commission action requested: Approval of final site and building plans pursuant to section 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5-428.)
0180	Arlington National Cemetery, Arlington, Va.—Columbarium (Phase I). (Commission action requested: Approval of final site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)
0348	District of Columbia Multi-Year Capital Improvements Program, Fiscal Years 1979-1984. (Commission action requested: Comments pursuant to section 7 of the National Capital Planning Act of 1952.)
0718	Proposed planned unit development and amendment to the Zoning Map of the District of Columbia to change from R-1-B to R-5-A 7415-23 Blair Road, NW. (Zoning Commission Cases Nos. 76-3F and 77-12.) (Commission action requested: Report to Zoning Commission pursuant to D.C. Code, sec. 5-417.)
0841	Notice of Availability of Excess Real Property—Portion of Franconia Warehouse Facility, Fairfax County, Va. (Commission action requested: Comments to General Services Administration.)
1198	Pennsylvania Avenue Development Corporation—Acquisition of land (Kann's Department Store). (Commission action requested: approval pursuant to section 5 of the National Capital Planning Act of 1952.)
1562	Fort Lincoln Urban Renewal Area—Heights Area, Phase II. (Commission action requested: Approval of final site development plan pursuant to section 5 of the National Capital Planning Act of 1952.)
1619	Amendments to Procedures for Citizen Participation and Intergovernmental Liaison. (Commission action requested: Adoption pursuant to National Capital Planning Act of 1952.)
1650	National Naval Medical Center, Bethesda, Md.—Navy Exchange. (Commission action requested: Approval of final site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)
1669	Proposed text and map amendments to the Zoning Regulations of the District of Columbia (Southwest Urban Renewal Area) (Zoning Commission Case No. 76-1). (Commission action requested: Report to Zoning Commission pursuant to D.C. Code, sec. 5-417.)
1701	Proposed amendment to the Zoning Map of the District of Columbia to change from R-5-A to C-1, Barnaby Terrace and Wheeler Road SE. (Zoning Commission Case No. 77-1). (Commission action requested: Report to Zoning Commission pursuant to D.C. Code, sec. 5-417.)
1743	U.S. Department of Labor, 3rd and D Streets NW.—Day Care Center. (Commission action requested: Approval of final site plans pursuant to Section 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5-428.)
1744	Street and alley closing—L Street NW., between 3rd Street and New Jersey Avenue, and 3rd Street NW., between L Street and New York Ave. (Commission action requested: Recommendations to Council of the District of Columbia pursuant to D.C. Code, sec. 7-401.)
1745	Naval Ship Research and Development Center, Bethesda, Md.—Computer Science Facility. (Commission action requested: Approval of final site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)
1746	Century Plaza Planned Unit Development, 20th, 21st, L and M Streets NW. (Zoning Commission Case No. 77-25). (Commission action requested: Report to Zoning Commission pursuant to D.C. Code, sec. 5-417.)
1750	Proposed text amendment to the Zoning Regulations of the District of Columbia relating to campus plans (Zoning Commission Case No. 76-9). (Commission action requested: Report to Zoning Commission pursuant to D.C. Code, sec. 5-417.)

DECEMBER 1 AND 8, 1977

File No.	*Item*
CP01	Comprehensive Plan for the National Capital—Modification No. 77-5 Market Square and adjacent residential areas, Pennsylvania Avenue). (Commission action requested: Adoption pursuant to Section 4 of the National Capital Planing Act of 1952, as amended.)
UR08	Downtown Urban Renewal Area—Urban renewal plan modification (Market Square and adjacent residential complex). Commission action requested: Adoption pursuant to District of Columbia Redevelopment Act of 1945, as amended.)

File No.	Item
MP15	George Washington Memorial Parkway, Montgomery County, Md.—Boundary revision and occupation of lands (Gold Mine Tract and Conduit Road). (Commission action requested: Approval of revised boundary pursuant to Capper-Cramton Act.)
	West Potomac Park, District of Columbia.
MP49	a. Subarea Master Plan. (Commission action requested: Approval pursuant to section 5 of the National Capital Planning Act of 1952.)
0570	b. Franklin Delano Roosevelt Memorial. (Commission action requested: Approval of preliminary site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)
1614	Bolling/Anacosta Tract, District of Columbia—Defense Intelligence Agency. (Commission action requested: Comments on final site and building plans pursuant to section 610(a) of Military Construction Authorization Act, 1974.)
1676	Washington, D.C. Civic Center, 9th and H Streets NW. (Commission action requested: Approval of location and program pursuant to section 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5-428.)
1732	Fairbank Highway Research Station, Fairfax County, Va.—Accelerated Pavements Test System Temporary Building. (Commission action requested: Approval of preliminary site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)
1738	Street and alley closing—Part of New Jersey Avenue NW., between Massachusetts Avenue and H Street (S.O. 76-395). (Commission action requested: Recommendations to Council of the District of Columbia pursuant to D.C. Code, sec. 7-401.)
1747	U.S. Coast Guard Station, Fairfax County, Va.—Administration and Enlisted Quarters Building. (Commission action requested: Approval of final site and building plans pursuant to section 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5-428.)
1748	National Arboretum, New York Avenue NE.—Herb Garden. (Commission action requested: Approval of preliminary site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)
	JANUARY 5 AND 12, 1978
1655	Sludge Composting Facility, Oxon Cove, District of Columbia and Prince Georges County, Md. (Commission action requested: Recommendations on preliminary site and building plans pursuant to section 5 of the National Capital Planning Act of 1952.)

Organizations and individuals desiring to make a statement or otherwise communicate their views on any item tentatively scheduled for the November 3 and 10 meeting should advise Samuel K. Frazier, Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 724-0174. Copies of the Executive Director's Recommendation on any action item on the agenda for the November 3 and 10 meeting may be obtained from Mr. Frazier on or after November 1. Agenda items with respect to which no organization or individual has advised Mr. Frazier by Thursday, October 27, 12:00 noon, of a desire to present views in person to the Commission and on which the Executive Director recommends approval or a favorable report, may be placed on the "consent calendar" and acted upon by the Commission, without presentation or discussion, at the beginning of the Commission meeting on November 3. To insure that written comments on any items are placed before the Commission prior to Commission action thereon, written statements must be received by Mr. Frazier by Wednesday, November 2, 12:00 noon.

The Commission's Procedures for Citizen Participation and Intergovernmental Liaison, copies of which may be obtained from Mr. Frazier, generally provide that comments on District plans and projects should address their effect on the Federal establishment and/or on Federal interests in the National Capital Region.

DANIEL H. SHEAR,
Secretary.

OCTOBER 14, 1977.

[FR Doc.77-30711 Filed 10-20-77;8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission), is considering the issuance of an amendment to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative (the licensee), for operation of the La Crosse Boiling Water Reactor (the facility), located in Vernon County, Wis.

The amendment would revise provisions in the Technical Specifications related to the replacement of fuel assemblies in the facility core with fuel assemblies of a different design, constituting refueling of the core for operation during Cycle 5. On July 13, 1977, the Commission issued a "Notice of Proposed Issuance of Amendment to Provisional Operating License" (41 FR 30743, July 26, 1976), on this subject. The Notice stated that the amendment related to the replacement of 24 fuel assemblies in the facility core with fuel assemblies of a different design. Since then, due to fuel performance, the licensee has proposed to replace more than 24 fuel assemblies with fuel assemblies of a different design. The Commission is now considering issuance of an amendment with this change.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 21, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Fritz Schubert, Esq., Staff Attorney, Dairyland Power Cooperative, 2615 East Avenue South, La Crosse, Wis. 54601, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating

only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's letter dated October 5, 1977, which transmitted Supplement No. 6 to the application for amendment dated May 18, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis.

Dated at Bethesda, Md., this 19th day of October 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-30934 Filed 10-20-77;10:17 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

ADVISORY GROUP ON WHITE HOUSE INFORMATION SYSTEMS

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 94-463, the Office of Science and Technology Policy announces the following meeting:

Name: Advisory Group on White House Information Systems.

Date: November 8 and 9, 1977.

Time: 9 a.m. to 4 p.m.

Place: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

Type of meeting: Open, subject to space limitations. Those wishing to attend should call the contact person below, to assist us in making adequate preparations.

Contact person: Dr. Joel A. Snow, Advisory Group Executive Secretary, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20500, telephone 202-395-3153.

Summary minutes: May be obtained from the Office of Science and Technology Policy.

Purpose of Advisory Group: The Office of Science and Technology Policy, in accordance with the statutory mandate to advise the President and to analyze and interpret significant developments and trends in science and technology, will be identifying the information systems needs and the impact of technological advances in information and data handling as these might support the decision processes of the White House and the Executive Office of the President. The work of the Advisory Group will be based upon inputs from the relevant departments and earlier work carried out by other organizations in the Executive Branch including the Reorganization Team.

Agenda: 9 a.m. to 4 p.m. This third panel meeting will review current and planned EOP information systems projects, and other planning activities for the new EOP Office of Administration; discuss recommendation options, and work on the initial draft of its final report; and discuss the agenda for its next meeting.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc.77-30757 Filed 10-20-77;8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 13, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

NSF Academic Science Statistics Postenumeration Study, single time, university officials, Laverne V. Collins, 395-5867.

DEPARTMENT OF AGRICULTURE

Forest Service, Ski Lift Ticket Pricing—Measuring Competition, other (see SF-83), Ski area permittees on national forest and private operators, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census, General Revenue Sharing Survey (newly activated governments), RS-9A, single time, newly activated general local governments, Ellett, C. A., 395-5867.

DEPARTMENT OF DEFENSE

Department of the Air Force, Study of Civilian Women in Industrial Career Fields, single time, large industrial corporations, Richard Eisinger, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, feasibility of Contracting of Sample Selection and Data Collection to Supplement Census and Hanes Field Activities, single time, probability sample in one of seven largest SMSA's, Richard Eisinger, 395-6140.

Center for Disease Control, Prevalence of Raynaud's Phenomenon in Chipper and Grinder Operators Using Vibrating Hand Tools, single time, workers in metal casting chipping and grinding operations, Ellett, C. A., 395-5867.

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board, Statement of Witness, NTSB 6120.11, on occasion, individuals who observe a transportation accident, Strasser, A., 395-5867.

REVISIONS

RAILROAD RETIREMENT BOARD

Application for Unemployment Benefits and Employment Service—and Record of UI (unemployment insurance) application, UI-1(ES-1), UI-1A, on occasion, unemployment applicants and R.R. employers, Caywood, D. P., 395-3443.

VETERANS' ADMINISTRATION

Veterans' Application for Compensation or Pension at Separation From Service, 21-526E, on occasion, veterans, Caywood, D. P., 395-3443.

Application for Dependency and Indemnity Compensation or Death Pension by Widow or Child, 21-534, on occasion, veterans; dependents, Caywood, D. P., 395-3443.

Application for Medical Benefits, VA-10-10, on occasion, veterans, Caywood, D. P., 395-3443.

Serviceperson's Application for Educational Benefits, 22-1990A, on occasion, servicepersons, Caywood, D. P., 395-3443.

Statement of Income and Net Worth—Disability, 21-6897, on occasion, veteran, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:

Livestock Mail Survey, semi-annually, livestock farmers, Ellett, C. A., 395-5867.

Monthly Cold Storage Survey, monthly, refrigerated warehouses, Ellett, C. A., 395-5867.

Manufactured Dairy Products, monthly, manufacturers of dairy products, Ellett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

Economic Development Administraton, Identification of LPW Project Officer, Contractors, and Subcontractors, ED-747, on occasion, State and Local Government Units, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Application for Benefits Under the Federal Coal Mine Health and Safety Act of 1969 (Widow's Claim), SSA-47, on occasion, individuals claiming benefits, Strasser, A., 395-5867.

Application for Benefits Under the Federal Coal Mine Health and Safety Act of 1969, as Amended (Dependents), SSA-49, on occasion, Individuals claiming benefits, Strasser, A., 395-5867.

Application for Benefits Under the FCMH&S Act of 1969, as Amended (Child's Claim), SSA-48, on occasion, individuals claiming benefits, Strasser, A., 395-5867.

Office of Human Development, Supplemental Applications for Title V Multipurpose Senior Center Funds, on occasion, State agency on aging private non-profit institution, Laverne V. Collins, 395-5867.

Center for Disease Control, Health Effects of Sulfur Oxides and Sulfuric Acids, Nitrogen Oxides and Nitric Acids, single-time, industrial workers, Ellett, C. A., 395-5867.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Report of Inmates Under Sentence of Death, NPS 8, annually, State departments of corrections, Richard Eisinger, 395-6140.

EXTENSIONS

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATION

National/Drug Abuse Treatment Utilization Survey, NIDA 0418, semi-annually Marsha Traynham, 395-4529.

NATIONAL COMMITTEE ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

1. Proposed Budget for IWY Grant; 2. Certification of Fiscal Responsibility; 3. Final Expenditure Report, FF-1, 2, 3, quarterly IWY designated coordinating committee in each State, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Application for Approval of Warehouse—Processed Commodities, CCC-560, on occasion, processed commodity warehousemen, Ellett, C. A., 395-5867.

Economic Research Service, Quarterly Summary of Farm Mortgage Loan Experience of Life Insurance Companies, FE-8, Quarterly, companies lending in the farm mortgage market, C. Louis Kincannon, 395-3211.

Statistical Reporting Service:

Tree Nut Survey, other (see SF-83), pecan, walnut and filbert producers, Ellett, C. A., 395-5867.

Dry Beans, Peas and Lentil Inquiries—Dealers, other (see SF-83), dry bean, pea and lentil dealers, Ellett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investment Abroad for 1977, BE-1330, annually, corporations having foreign affiliates, C. Louis Kincannon, 395-3211.

Domestic and International Business Administration, Application for License to Enter Watches and Watch Movements Pursuant to Pub. L. 89-805, DIB-334P, annually, firms interested in duty-free watch quota, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

SRD Codes 5 and 6—States Report of Adjustments, SSA-1770, annually, State and local government employees covered under Sec. 218, Human Resources Division, 395-3532.

Application for Survivors Benefits (Payable Under Title II of the Social Security Act) 1, on occasion, widows, children and/or parents of deceased veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:

Development Program of Indian Housing Authority, HUD 53045, HUD 53045A, on occasion, Indian housing authorities, Housing, Veterans and Labor Division, 395-3532.

Depository Bank Acceptance and Confirmation Statement, HUD-4304, on occasion, business firms, Housing, Veterans and Labor Division, 395-3532.

Requisition and Voucher for Bond Payment or Advance, HUD 4300, on occasion, educational institutions, Housing, Veterans and Labor Division, 395-3532.

Calculation on Net Amount Due for Bond Purchase, HUD 4301, on occasion, educational institutions, Housing, Veterans and Labor Division, 395-3532.

Requisition for Government Advance, HUD 4300-A, on occasion, educational institutions, Housing, Veterans and Labor Division, 395-3532.

Request for Approval of Advances . . . Preliminary Loan Contract, HUD 51991, on occasion, public housing agencies, Housing, Veterans and Labor Division, 395-3532.

Borrower's Statement Regarding Its Financial Condition, HUD 4302, on occasion, educational institutions, Housing, Veterans and Labor Division, 395-3532.

General Contractors and Sub-Contractors Statement, FHA-2482-A, on occasion, construction contractors, Housing, Veterans and Labor Division, 395-3532.

Construction Change—Project Mortgages, FHA-2437, on occasion, business firms, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:

Affidavit of Witness (In Admission for Permanent Residence, I-488, on occasion, individuals, Warren Topelius, 395-5872.

Application for Transfer of Petition for Naturalization, N-455, on occasion, resident alien, Warren Topelius, 395-5872.

Request to Have Petition for Naturalization Marked Void, N-403, on occasion, resident alien, Warren Topelius, 395-5872.

Law Enforcement Assistance Administration, Law Enforcement Education Program Institutional Application, LEEP-1, annually, higher educational institutions in LEEP, Richard Eisenger, 395-6140

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-30844 Filed 10-20-77;8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

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Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Low Income Weatherization Report (quarterly statement), DOE-U522-P-O, quarterly, District of Columbia, 49 States and 29 Indian tribes, Budget Review Division, Human Resources Division, 395-4775.

COMMUNITY SERVICES ADMINISTRATION

CDC Administrative Funds Report, CSA-292, quarterly, grantees, Budget Review Division, 395-4775.

CDC Investments in ventures, CSA-293, quarterly, grantees, Budget Review Division, 395-4775.

CDC Loans and loan guarantees, CSA-294, quarterly, grantees, Budget Review Division, 395-4775.

Reconciliation of cash balance, CSA-291, quarterly, grantees, Budget Review Division, 395-4775.

Summary of additional economic development activities, CSC-290, quarterly, grantees, Budget Review Division, 395-4775.

Personnel Report (CDC and ventures), CSA-289, quarterly, grantees, Budget Review Division, 395-4775.

Training Report, CSA-288, quarterly, grantees, Budget Review Division, 395-4775.

Technical Assistance Report, CSA-287, quarterly, grantees, Budget Review Division, 395-4775.

Venture Analysis Report, CSA-286, quarterly, grantees, Budget Review Division, 395-4775.

Venture Financial Report, CSA-285, quarterly, grantees, Budget Review Division, 395-4775.

DEPARTMENT OF AGRICULTURE

Forest Service, Directory of seed and planting stock dealers, single time, seed and planting stock dealers, Ellett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

Departmental and other, publications and current research on fishermen and fishing, communities, single time, professional social scientists, Ellett, C. A., 395-5867.

Domestic and International Business Administration:

International Import Certificate, DIB-645P, on occasion, commercial importers, C. Louis Kincannon, 395-3211.

Delivery Verification Certificate, DIB-647P, on occasion, commercial importers, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Education, measures of school desegragation district survey, single time, Government Agencies, Laverne V. Collins, 395-5867.

Health Care Financing Administration (Medicare), delegated provider admissions summary, HCFA-20, monthly, professional standards review organizations, Richard Eisinger, 395-6140.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, application For Creation of a Record of Lawful Admission, for an Indochina Refugee, I-485C, on occasion, certain refugees from Republics of Vietnam, Laos, or Cambodia, Warren Topelius, 3955872.

DEPARTMENT OF LABOR

Employment and Training Administration, follow-up survey of 1975 recipients of Federal suplemental benefits, MT-275A, single time, recipients of EB and FSB, Strasser, A., 395-5867.

DEPARTMENT OF TRANSPORTATION

Departmental and other prospectus—development of effective criteria for citizen participation, single time, State transportation personnel, Strasser, A., 395-5867.

National Highway Traffic Safety Administration, (on the road/relatives of fatal) drug use study for drivers, single time, on the road drivers relatives/friends of driver fatalities, Richard Eisinger, 395-6140.

National Transportation Safety Board, Pilot/Operator Aircraft Accident Report, NTSB 6120.1, on occasion, only in case of an accident, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Application for United States Flag For Burial Purposes, VA-07-2008, on occasion, relatives and friends of deceased veterans, Warren Topelius, 395-5872.

Application for Adaptive Equipment—Motor Vehicle, 10-1394, on occasion, veterans and servicemen, Warren Topelius, 395-5872.

NATIONAL CREDIT UNION ADMINISTRATION

Financial and Statistical Report (Federally—Insured State, Chartered Credit Unions), NCUA 5304, annually, State credit unions, C. Louis Kincannon, 395-3211.

VETERANS ADMINISTRATION

Request for determination of reasonable value individual proposed construction cases, 26-1805-1, on occasion, Lenders, Ellett, C. A., 395-5867.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration: Property Information and Appraisal Report, rural, housing nonfarm tract, FHA 422-8, on occasion, business firms, Laverne V. Collins, 395-5867.

Annual Compliance Review (FHA borrowers), FHA 400-8, annually, business firms, Laverne V. Collins, Lowry, R. L., 395-5867.

Compliance Review for Recreational Loans to Associations (FMHA borrowers), FHA 400-7, annually, business firms, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Medicare), Report of State-In Problem, SSA-1957, on occasion, Medicare beneficiaries, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, State highway obligations issued during the year, PR-541, annually, 50 States, D.C., and Puerto Rico, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, dry bean, pea, and lentil survey, other (see SF-83), dry bean, peas, lentil growers, Ellett, C., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Program Performance Report (Compares accomplishments toward State's specified goals and objectives), OS-18-75, quarterly, State agencies, Budget Review Division, 395-4775.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Supplement to Application to File Petition * * * Naturalization, N-400A, on occasion, former U.S. citizen, Warren Topelius, 395-5872.

DEPARTMENT OF TRANSPORTATION

Coast Guard:

Seamans Certificate Application, CG-719B, on occasion, applicants for MMD's Strasser, A., 395-5867.

Summary of Planned Submersible Operations, CG-4790, on occasion, operators of submersible, Strasser, A., 395-5867.

Federal Highway Administration, status of State highway debt, PR542, annually, 50 States, D.C., and Puerto Rico, Strasser A., 395-5867.

Coast Guard, Seamans certificate Application, CG-719B, on occasion, applicants for MMD's Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-30843 Filed 10-20-77;8:45 am]

[7910-01]

RENEGOTIATION BOARD

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

The Privacy Act of 1974, 5 U.S.C. 552a (c)(4) (Pub. L. 93-597), requires that each agency annually publish in the FEDERAL REGISTER a notice of the existence and character of systems of records that it maintains which contain personal information relating to individuals but not concerning a business activity. Pursuant to that requirement, the Renegotiation Board hereby republishes the notice of the system of records that it currently maintains.

The Board previously published at 41 FR 47017 (October 26, 1976) notices of the systems of records it maintains. There have been no other amendments or additions to the Board's notices regarding Privacy Act record systems.

Dated: October 11, 1977.

HARRY R. VAN CLEVE,
Acting Chairman.

System name:

Payroll and Time and Attendance Records.

System location:

The Renegotiation Board, Room 3126, 2000 M Street, NW., Washington, D.C. 20446.

Categories of individuals covered by the system:

Current and former employees of the Renegotiation Board.

Categories of records in the system:

This system contains information and documents relating to employee's pay, income tax and insurance deductions, Civil Service Retirement or social security deductions, any additional allotments required, hours worked, and the recordation of annual and sick leave accruals, usage, and balances.

Authority for maintenance of the system:

Title 5 U.S.C. Part II, Subpart D, Pay and Allowances, and Subpart E, Attendance and Leave.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

Records are used by the Renegotiation Board and the Washington Disbursing Center, Department of the Treasury, to pay employees, to make appropriate deductions and allotments, to prepare Wage and Earning Statements, and to record leave accruals, usage and balances.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained on standard forms.

Retrievability:

Records are indexed by Social Security Number and name.

Safeguards:

Records are secured in locked file cabinets.

Retention and disposal:

Payroll records are maintained up to a maximum of five years at which time they are transferred to the National Personnel Records Center, St. Louis, Missouri. Time and Attendance Reports are maintained for two years and are destroyed.

System manager and address:

Director, Office of Administration, Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446.

Notification:

Budget and Accounting Office, Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446.

Record access and contest:

Director, Office of Administration, Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446.

Sources:

Information in this system of records comes from the employee to whom it applies and from the agency officials.

[FR Doc.77-30616 Filed 10-20-77;8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5332]

KING SMALL BUSINESS INVESTMENT CORP.

Issuance of a License To Operate as a Small Business Investment Company

On September 8, 1977, a notice was published in the FEDERAL REGISTER (42 FR 45055), stating that King Small Business Investment Corp., located at 110 Pearl Street, Buffalo, N.Y. 14202, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1977) for a license to operate as a small business investment company under the provisions of Section 301(d)

of the Small Business Investment Act of 1958, as amended.

The period for comment expired on September 23, 1977, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 02/02-5332 to King Small Business Investment Corp.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-30750 Filed 10-20-77;8:45 am]

[8025-01]

REGION IX PHOENIX ADVISORY COUNCIL

Public Meeting

The Small Business Administration Region IX Phoenix Advisory Council will hold a public meeting at 11:30 a.m., Wednesday, November 16, 1977, at the Granada Royale Hometel, Manzana Room, 3210 Grand Avenue, Phoenix, Ariz., to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Stanley D. Goldberg, District Director, U.S. Small Business Administration, 112 North Central Avenue, Phoenix, Ariz. 85004, 602-261-3700.

Dated: October 13, 1977.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc.77-30751 Filed 10-20-77;8:45 am]

[8025-01]

[Application No. 04/04-5128]

R.P.B. INVESTMENT ENTERPRISES, INC.

Notice of Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by R.P.B. Investment Enterprises, Inc. (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1977).

The officers, director, and stockholders of the applicant are as follows:

Ronald P. Barassi, President, Director, 84 Viking Cove, Cordova, Tenn. 38018. 50 percent stockholder.

M. Hall Oakley, Secretary, 7442 Apple Valley, Germantown, Tenn. 38138.

Ellers, Fanning, Oakley, Chester & Rike, Inc., 700 Falls Building, Memphis, Tenn. 38103. 50 percent stockholder.

The applicant, a Tennessee corporation, with its principal place of business located in the Falls Building, 22 North Front Street, Memphis, Tenn. 38103, will begin operations with $502,000 of paid-in capital and paid-in surplus, derived from the sale of 500 shares of common stock.

The applicant will conduct its activities principally in the State of Tennessee, and in other areas within the United States of America.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, on or before November 7, 1977, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Memphis, Tenn.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: October 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-30749 Filed 10-20-77;8:45 am]

[8025-01]

[Application No. 04/04-5135]

TRIUMPH FINANCIAL SERVICES, INC.

Notice of Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by Triumph Financial Services, Inc. (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1977).

The officers and directors are as follows:

Daniel H. Harris, D.D., President and Director, 11345 East Golf Drive, Miami, Fla. 33161.

Mr. John E. Lemieux, Vice President and Treasurer, 8365 SW. 132nd Street, Miami, Fla. 33141.

Mr. John C. Dick, Secretary, 3400 Dorango Avenue, Coral Gables, Fla. 33134.

The First D. H. Corp., the personal holding company of Dr. Harris, is the sole stockholder of the applicant.

The applicant will maintain its principal place of business at 501 NW. 37th Avenue, Miami, Fla. 33125. It will begin operations with $510,000 of private capital derived from the sale of 1,000 shares of common stock to the stockholder shown above.

The applicant will conduct its operations in the Miami and Dade County areas which are now going through great stress.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Busines Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, on or before November 7, 1977, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Miami, Fla.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: October 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-30748 Filed 10-20-77;845 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-7/124]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on radiocommunications, a part of the Subcommittee on Safety of Life at Sea (SOLAS) of the Shipping Coordinating Committee (SHC), will conduct an open meeting at 1:30 p.m. on Tuesday, November 15, 1977, in room 8442 of the Department of Transportaion, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the 18th Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London from November 28 to December 2, 1977. In particular, the working group will discuss the following topics:

Code of safety requirements for mobile off-shore 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, Washington, D.C. 20590. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

OCTOBER 14, 1977.

[FR Doc.77-30746 Filed 10-20-77;8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 4]

UNIVERSAL UNDERWRITERS INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $5,273,000 has been established for the company.

NAME OF COMPANY, BUSINESS ADDRESS, AND STATE IN WHICH INCORPORATED

Universal Underwriters Insurance Company, 5115 Oak Street, Kansas City, Missouri 64112; Missouri.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: October 14, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc.77-30747-Filed 10-20-77;8:45 am]

[1505-01]

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Pendency of Temporary Class Exemption To Permit Plans To Purchase Customer Notes From Employers Maintaining Plans

Correction

In FR Doc. 77-29962, appearing at page 55321 in the issue of Friday, October 14, 1977, the next to last line of the "Summary" paragraph should read, "tel mortgages on the property purchased".

[8230-01]

UNITED STATES INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on December 5, 1977. The session will commence at 9:15 a.m. in Room 1008 at 1750 Pennsylvania Avenue NW., Washington, D.C.

The session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547, telephone 724-9243, so that adequate space will be assured.

MARY JANE WINNETT,
Federal Register Liaison Officer.

[FR Doc.77-30580 Filed 10-20-77;8:45 am]

[1505-01]

WATER RESOURCES COUNCIL

GUIDANCE FOR FLOODPLAIN MANAGEMENT

Correction

In FR Doc. 77-28572, appearing at page 52590 in the issue of Friday, September 30, 1977, the 14th and 15th lines of the first paragraph under the heading "Introduction" on page 52591 should be deleted.

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 506]

ASSIGNMENT OF HEARINGS

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-12598, Cooper-Jarrett, Inc.—Purchase—Tri-City Express, Inc., and MC 35336 (Sub-No. 78), Cooper Jarrett, Inc., now being assigned March 7, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C. and continued to April 10, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134922 (Sub-No. 210), B. J. McAdams, Inc., application dismissed.

MC 134922 (Sub-No. 225), B. J. McAdams, Inc., application dismissed.

MC 129537 (Sub-No. 23), Reeves Transportation Co., now assigned January 23, 1977, at Tallahassee, Fla., is canceled and application dismissed.

MC 134922 (Sub-No. 217), B. J. McAdams, Inc., application dismissed.

MC 19157 (Sub-No. 32), McCormack's Highway Transportation, Inc., application dismissed.

MC 108937 (Sub-No. 47), Murphy Motor Freight Lines, Inc., now assigned January 17, 1978, at South Bend, Ind., is canceled, and transferred to Modified Procedure.

MC 83835 (Sub-No. 144), Wales Transportation, Inc., now being assigned January 19, 1978 (2 days), at Dallas Tex., in a hearing room to be later designated.

MC 115162 (Sub-No. 367), Poole Truck Line, Inc., now assigned January 4, 1978, at Buffalo, N.Y., is canceled and transferred to Modified Procedure.

MC-F 13135, Lanter Refrigerated Distributing Co.—Purchase—Southwest Refrigerated Distributors, Inc., and MC 134551 (Sub-No. 10), Lanter Refrigerated Distributing Co., now being assigned January 9, 1978 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

AB 43 (Sub-No. 31), Illinois Central Gulf Railroad Co. Abandonment Between Mason City and Jacksonville in Mason, Menard, Cass, Sangamon, and Morgan Counties, Ill., now being assigned January 4, 1978 (3 days), at Petersburg, Ill., in a hearing room to be later designated.

MC 124211 (Sub-No. 284), Hilt Trunk Line, Inc., now assigned November 9, 1977, in Omaha, Nebr., is canceled and application dismissed.

MC 123407 (Sub-No. 347), Sawyer Transport, Inc., now assigned November 29, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 114457 (Sub-No. 284), Dart Transit Co., now assigned November 30, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 94350 (Sub-No. 383), Transit Homes, Inc., now assigned December 7, 1977, at Atlanta, Ga., will be held in Room 305, 1252 Peachtree St. NW.

MC 140010 (Sub-No. 7), Joseph Moving & Storage Co., Inc., d.b.a. St. Joseph Motor Lines, now assigned December 1, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 119789 (Sub-No. 332), Caravan Refrigerated Cargo, Inc., now assigned December 2, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 16903 (Sub-No. 47), Moon Freight Lines, Inc., now assigned December 5, 1977, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 63562 (Sub-55), BN Transport, Inc., now being assigned November 30, 1977, for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 141033 (Sub-No. 9) Continental Contract Carrier Corp., now assigned November 1, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C., is canceled and application dismissed.

MC 113651 (Sub-No. 212), Indiana Refrigerator Lines, Inc., now assigned November 28, 1977, at Memphis, Tenn., will be held in Tax Courtroom 1006, Federal Building, 167 North Main Street.

MC 124117 (Sub-No. 21), Earl Freeman, d.b.a. Mid-Tenn Express, now assigned November 30, 1977, at Memphis, Tenn., will be held in Tax Courtroom 1006, Federal Building, 167 North Main Street.

MC 140421 (Sub-No. 17), Action Motor Express, Inc., now assigned December 5, 1977, at New Orleans, La., will be held in the East Courtroom, Room 223, U.S. Court of Appeals, 600 Camp Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30763 Filed 10-20-77;8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43449—*Joint Water-Rail Container Rates—Korea Shipping Corporation*, (No. 1), for itself and interested rail carriers.

Rates on general commodities, between ports in Hong Kong and Taiwan, and rail carriers terminals on the U.S. Atlantic and Gulf coasts.

Grounds for relief—Water competition.

Tariff—Korea Shipping Corporation tariff No. 2, ICC No. 2, F.M.C. No. 17.

Rates are published to become effective on November 15, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30762 Filed 10-20-77;8:45 am]

[7035-01]

[Notice No. 243]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77226, filed October 13, 1977. Transferee: Burmen Company, Inc., 57th Floor, 600 Grant Street, Pittsburgh, Pa. 15219. Transferor: Sullivan Lines, Inc. (The Union National Bank of Pittsburgh Successor in Interest) Fourth Avenue & Wood Street, Pittsburgh, Pa. 15222. Applicants' representatives: William A. Chesnutt, Esq., 1776 F St. NW., Washington, D.C. 20006 and M. Bruce McCullough, Esq., 5700-600, Grant Street, Pittsburgh, Pa. 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 47109, MC 47109 (Sub-No. 6), and MC 47109 (Sub-No. 7), issued April 14, 1960, January 2, 1964, and May 17, 1974, respectively, as follows: *General commodities*, with normal exceptions, which are at the time moving on bills of lading of freight forwarders, over specified regular routes, between Philadelphia and Pittsburgh, Pa., New York and Buffalo, N.Y., Newark, N.J., Baltimore, Md., Washington, D.C., and Akron, Canton, Cleveland, Toledo, Columbus, Dayton, and Cincinnati, Ohio; General commodities, with normal exceptions, over specified regular routes, between Detroit, Mich., and Toledo, Ohio, serving all intermediate points; and off-route points in Wayne, Oakland, and Macomb Counties, Mich., within four miles of Detroit, Mich.; *General commodities*, with normal exceptions, which are at the time moving on bills of lading of freight forwarders, over specified regular routes between Cincinnati, Ohio, and Boston, Mass., serving the intermediate points of Columbus and Dayton, Ohio, Pittsburgh, Pa., New York, N.Y., Newark, N.J., New Haven, Conn., and Springfield, Mass.; Between Pittsburgh, Pa., and Steubenville, Ohio, as an alternate route. Restriction: Service is not authorized to or from Steubenville, Ohio, or the intermediate points; between Pittsburgh, Pa., Baltimore, Md., and Washington, D.C., serving no intermediate points; between Harrisburg, Pa., and Baltimore, Md., serving no intermediate points or Harrisburg, Pa.; between Harrisburg, Pa., and Philadelphia, Pa., serving no intermediate points or Harrisburg, Pa.; between Washington, D.C., and New York, N.Y., serving the intermediate points of Baltimore, Md., and Philadelphia, Pa.; *General commodities*, with normal exceptions, (1) between Cincinnati, Toledo, and Akron, Ohio, Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., on the one hand, and, on the other Fresno, Oakland, Los Angeles, San Francisco, Sacramento, San Diego, San Jose, and Santa Fe Springs, Calif., Seattle, Spokane, and Tacoma, Wash., Portland, Oreg., Phoenix and Tucson, Ariz., Salt Lake City, Utah and Reno and Las Vegas, Nev. (2) between Cincinnati, Toledo, Akron, Ohio, on the one hand, and, on the other, Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis. Restriction: The authority in (1) and (2) above is restricted to the transportation of traffic moving on freight forwarder bills of lading, and restricted in (2) above against the transportation of traffic (a) originating at the named Ohio points (and points in their commercial zones

as defined by the Commission), and destined to Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., (and points in their commercial zones as defined by the Commission), and (b) originating at Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., (and points in their commercial zones as defined by the Commission), and destined to the named Ohio points (and points in their commercial zones as defined by the Commission). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30760 Filed 10-20-77;8:45 am]

[7035-01]

[Notice No. 134TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 18, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTORS CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 349TA), filed September 2, 1977. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Part I.—*Alcoholic Liquors*, in bulk, in tank vehicles, from Ports of Entry between the United States and the Mexican boundary line located in California, Arizona, New Mexico, and Texas to points in the United States except Alaska and Hawaii.

Part II.—*Alcoholic Liquors*, in bulk, in tank vehicles, from Ports of entry on the United States and the Canadian boundary line located in New York; Pennsylvania; Washington; Detroit and Port Huron, Mich.; and Toledo, Ohio to Peoria, Ill.; Detroit, Mich.; and Burlingame, Calif.

Part III.—*Alcoholic Liquors*, in bulk, in tank vehicles, between points in Indiana, Kentucky, Tennessee, Pennsylvania on the one hand and on the other, points in California. (Restricted against Whiskey from Bardstown, Ky., to El Segundo, Calif. and from Owensboro and Lawrenceburg, Ky. to Vernon and San Francisco, Calif.; and from Lawrenceburg, Ind. to Vernon and San Francisco, Calif. and Neutral Spirits from Terre Haute, Ind. to Vernon and San Francisco, Calif. and Brandy from Orange Cove, Calif. to Bardstown, Ky., and Philadelphia, Pa. and Wines from points in California to Indiana and Brandy from Fresno and 15 miles thereof to Philadelphia, Pa.)

Part IV.—*Alcoholic Liquors, Neutral, Spirits, Distilled Spirits, Wines and Brandies* from points in California to points in Illinois, New Jersey and Detroit, Mich. (Restricted against Wine and Brandy to New Jersey and Brandy from Lodi, Fresno, and Delano, Calif. to Peoria, Ill. and Wine from points in California to points in Illinois and Alcoholic Liquors from San Francisco, Calif. to Peoria and Pekin, Ill., and from Union City, Calif. to Pekin, Ill.)

Part V.—*Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wines and Brandies*, in bulk, in tank vehicles from points in New York, New Jersey, Pennsylvania, and Maryland to Peoria, Ill.; Burlingame and San Francisco, Calif.; and Detroit, Mich. (Restricted against Whiskey from Relay and Cockeysville, Md. to San Francisco, Calif. and from Cockeysville, Md. to Vernon, Calif., and Wines from Canandaiga, N.Y. to points in California.

Part VI.—*Alcoholic Liquors, Neutral Spirits, Distilled Spirits, Wines and Brandies* between the following points: Delavan and Peoria, Ill.; Scobeyville, N.J.; Burlingame and San Francisco, Calif.; and Detroit, Mich. (Restricted against Wines and Brandy from points in California to Scobeyville, N.J. and Wine from California to Delavan and Peoria, Ill. and Alcoholic Liquors between Peoria, Ill. and San Francisco, Calif.)

Part VII.—Alcoholic Liquors, in bulk, in tank vehicles from Owensboro, Ky. to St. Louis, Mo.

RESTRICTIONS

Part III.—The commodities and territorial scope restricted in Part III of this application is authority presently held by applicant in its Docket MC 531 Sub 160.

Part IV.—The commodities and territorial scope restriced in Part IV of this application is authority presenly held by applicant in its Docket MC 531 Subs 160, and 198.

Part V.—The commodities and territorial scope restricted in Part V of this application is authority presently held by applicant in its Docket MC 531 Subs 160 and 335.

Part VI.—The commodities and territorial scope restricted in Part VI of this application is authority presently held by applicant in its Docket MC 531 Sub 160. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately fifteen (15) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor John F. Mensing, Intersate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 2095 (Sub-No. 6 TA), filed September 28, 1977. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, Kans. 66534. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and soybean products*, dry, from the plant and storage facilities of Archer Daniels Midland Co., and its subsidiaries in North Kansas City, Mo., to points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Colorado, New Mexico, Texas, Louisiana, Mississippi, Alabama, Tennessee, and Kenucky, for 180 days. Applicant states it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Archer Daniels Midland Co., P.O. Box 1470, 4666 Faries Parkway, Decatur, Ill. 62525. Send protests to: Thomas P. O'Hara District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courhouse, 444 S.E. Quincy, Topeka, Kans. 66683.

No. MC 2202 (Sub-No. 543 TA), filed September 29, 1977. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the warehouse facilities utilized

by General Electric Co., located at or near Mount Vernon, Ind., as an off-route point in connection with applicant's present regular routes, for 180 days. Applicant intends to tack with MC 2202 and subs thereto and will effect all points served. Applicant intends to interline with other carriers at all points of interchange. Supporting Shipper(s): General Electric Co., Highway 69, Mount Vernon, Ind. Send protests to: James Johnson District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio. 44199.

No. MC 77972 (Sub-No. 31TA), filed September 28, 1977. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, 100 Summer St., New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, Jackson, Miss. 39205. Applicant seeks temporary authority for 180 days as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over regular routes transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment):

(1) Between Eutaw, Alabama and the Alabama-Georgia State Line: From Eutaw, Ala. over Interstate 20 to the Alabama-Georgia State Line and return over the same route, serving all intermediate points.

(2) Between Columbus, Mississippi and Tuscaloosa, Alabama: From Columbus, Miss. over U.S. Highway 82 to Tuscaloosa, Ala. and return over the same route, serving all intermediate points.

(3) Between Birmingham, Alabama and the Alabama-Georgia State Line: From Birmingham, Ala. over U.S. Highway 11 and/or Interstate 59 to the Alabama-Georgia State Line and return over the same route, serving all intermediate points.

(4) Between Birmingham, Alabama and the Alabama-Tennessee State Line: From Birmingham, Ala. over U.S. Highway 31 and/or Interstate 65 to the Alabama-Tennessee State Line and return over the same route, serving all intermediate points.

(5) Between Anniston, Alabama and the Alabama-Tennessee State Line: From Anniston, Ala. over U.S. Highway 431 to the Alabama-Tennessee State Line north of Huntsville, Ala. and return over the same route, serving all intermediate points.

(6) Between Birmingham, Alabama and Scottsboro, Alabama: From Birmingham, Ala. over Alabama Highway 79 to Scottsboro, Ala. and return over the same route, serving all intermediate points.

(7) Between Pell City, Alabama and Huntsville, Alabama: From Pell City, Ala. over U.S. Highway 231 to Huntsville, Ala. and return over the same routes, serving all intermediate points.

(8) Between Hamilton, Alabama and the Alabama-Georgia State Line: From Hamilton, Ala. over U.S. Highway 278 to the Alabama-Georgia State Line and return over the same route, serving all intermediate points, including Hamilton, Ala.

(9) Between Hamilton, Alabama and Birmingham, Alabama: From Hamilton, Ala. over U.S. Highway 78 to Birmingham and return over the same route, serving all intermediate points.

(10) Between Tuscaloosa, Alabama and the Alabama-Tennessee State Line: From Tuscaloosa, Ala. over U.S. Highway 43 to Florence, Ala.; thence over Alabama Highway 17 to the Alabama-Tennessee State Line and return over the same route, serving all intermediate points.

(11) Between Tuscaloosa, Alabama and Arab, Alabama: From Tuscaloosa, Ala. over Alabama Highway 69 to Arab, Ala. and return over the same route, serving all intermediate points.

(12) Between Memphis, Tennessee and the Alabama-Tennessee State Line: From Memphis, Tenn. over U.S. Highway 72 and Alternate 72 to the Alabama-Tennessee State Line near Bridgeport, Ala. and return over the same routes, serving all intermediate points on said routes in the State of Alabama.

(13) Between Tremont, Mississippi and Decatur, Alabama: From Tremont, Miss. over Mississippi Highway 23 to Red Bay, Ala.; thence over Alabama Highway 24 to Decatur, Ala. and return over the same route serving all intermediate points.

(14) Between Jasper, Alabama and the Junction of Alabama Highway 5 and U.S. Highway 43 near Phil Campbell, Alabama: From Jasper, Ala. over Alabama Highway 5 to its junction with U.S. Highway 43 near Phil Campbell, Ala. and return over the same route, serving all intermediate points.

(15) Between Millport, Alabama and Fayette, Alabama: From Millport, Ala. over Alabama Highway 96 to Fayette, Ala. and return over the same route, serving all intermediate points.

(16) Between Birmingham, Alabama and the Alabama-Georgia State Line: From Birmingham, Ala. over Alabama Highway 75 to the Alabama-Georgia State Line and return over the same route, serving all intermediate points.

(17) Between Clebume, Alabama and Scottsboro, Alabama: From Clebume, Ala. over Alabama Highway 9 to its junction with Alabama Highway 35 near Lawrence, Ala.; thence over Alabama Highway 35 to Scottsboro, Ala. and return over the same route, serving all intermediate points.

(18) Between Muscle Shoals, Alabama and Cullman, Alabama: From Muscle Shoals, Ala., over Alabama Highway 157 to its junction with U.S. Highway 31; thence over U.S. Highway 31 to Cullman, Ala. and return over the same route, serving all intermediate points.

(19) Between Anniston, Alabama and Piedmont, Alabama: From Anniston, Ala. over Alabama Highway 21 to Piedmont, Ala. and return over the same route, serving all intermediate points.

(20) Between Decatur, Alabama and the Junction of Alabama Highway 67 and U.S. Highway 278: From Decatur, Ala. over Alabama Highway 67 to its junction with U.S. Highway 231 near Summit, Ala. and return over the same route, serving all intermediate points.

(21) Between Columbus, Mississippi and York, Alabama: From Columbus, Miss. over Mississippi Highway 69 to Pickensville, Ala.; thence over Alabama Highway 14 to Aliceville, Ala.; thence over Alabama Highway 17 to York, Ala. and return over the same route, serving all intermediate points.

(22) Serving Pelham and Talladega, Alabama as off-route points in connection with the above described regular routes.

(23) Serving as intermediate and off-route points, all points in the State of Alabama lying on and north of Interstate 20.

Restriction: Restricted against the transportation of shipments received from another carrier at a point in Ala. for delivery to a point in Ala. and further restricted against the pickup of shipments at points in Ala. for delivery to an interline carrier at another point in Ala.

NOTE.—Applicant intends to tack the authority sought herein with present authority in MC 77972 at all common points of joinder. Applicant intends to interline with other carriers at all common points. Applicant seeks authority to serve the commercial zones of all cities and towns lying on the above described routes. Supporting shippers: There are approximately 302 statements of support attached to the application with may be examined at the Interstate Commerce Commission in Washington, D.C. or Copies thereof which may be examined at the field office named below. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main St., Memphis, Tenn.

No. MC 106674 (Sub-No. 255TA), filed September 26, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags, plastic bags and bags constructed of paper and plastic combined;* From the plantsite of Great Plains Bag Corporation, at or near Jacksonville, Arkansas; to Fairfield, Lamison, Letohatchee, McIntosh, and Ozark, Alabama; Albany, Conyers, Ringgold, and Stapleton, Georgia; Alton, Beardstown, Chicago, Danville, Granite City, Lincoln and Springfield, Illinois; Indianapolis and Newburgh, Indiana; Burlington, Cedar Rapids, Centerville, Clinton, Des Moines, Dubuque, Eagle Grove, Ft. Madison, Glenwood, Iowa City, Keokuk, Marion, Marshalltown, Muscatine, Osceola, Sioux City, Iowa; Detroit, Flint, Grand Rapids, Manistee and Three Rivers, Michigan; Fulton, Joplin, Kansas City, Marshall, Springfield, St. Joseph, St. Louis and Trenton, Missouri; Rock-

well, Rocky Mt. and Wagram, North Carolina; Columbus, Fredericktown, Marysville, New Philadelphia, and Norwood, Ohio; Charleston, West Virginia; Burlington, Janesville, Lomira, Middleton, Milwaukee, and Spencer, Wisconsin (2) *Machinery, materials* (except in bulk), *equipment and supplies* (except in bulk), used in or in connection with the manufacture, distribution, printing, processing or use of paper bags, plastic bags and bags constructed of paper and plastic combined; From points in Iowa; To the plantsite of Great Plains Bag Corporation at or near Jacksonville, Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Great Plains Bag Corporation, P.O. Box 957, Jacksonville, Ark. 72076. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 117574 (Sub-No. 287TA), filed September 28, 1977. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A(1) *Tractors* (except truck tractors); (2) *Attachments, parts and equipment* designed for use with tractors, when moving in mixed loads with tractors, From Harrison County, Mississippi to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Ohio, Delaware, Kentucky, the District of Columbia, Missouri, Indiana, Michigan, Illinois, Wisconsin, Maryland, and Iowa. (3) *Materials, equipment and supplies* used in the assembly and distribution of, and equipment designed for use with the articles described in (1) and (2) above, (except commodities in bulk), From points in Maine, New Hampshire, Vermont, Delaware, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Ohio, Kentucky, the District of Columbia, Missouri, Indiana, Michigan, Illinois, Maryland, Wisconsin and Iowa to Harrison County, Mississippi. B(1) *Tractors* (except truck tractors), and attachments, parts and equipment designed for use with such tractors, From the port of Gulfport, Mississippi, to the facilities owned or utilized by International Harvester Company in Harrison County, Mississippi. Restriction: Restricted to traffic originating at or destined to the facilities utilized by International Harvester Company in Harrison County, Miss. for 180 days. Applicant has also filed an underlying ETO seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company, 401 N. Michigan Ave., Chicago, Ill. 60611. Send protests to: Mr. Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Building, Harrisburg, Pa. 17108.

No. MC 118838 (Sub-No. 15TA), filed September 28, 1977. Applicant: GABOR TRUCKING, INC., R. R. No. 4, Detroit Lakes, Minn. 56501. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphates, polymers, trace minerals, silica, chemicals and mineral oils* (except in bulk, in tank vehicles), From: Wood River, Joliet, Napierville, Springfield, LaSalle and Chicago, Illinois; Portland, Oregon; Houston, Texas; Quincy, Washington; Gabbs and Luning, Nevada; and Beaver Falls, Pennsylvania To: Ports of entry on the U.S.-Canada boundary line located in North Dakota, Montana, and Washington for furtherance to points in Manitoba, Saskatchewan, Alberta, and British Columbia. Restrictions: (1) Restricted to traffic moving for the account of MacKenzie & Fiemann, Ltd., of Vancouver, British Columbia, and (2) Restricted to traffic moving in foreign commerce, for 180 days. Supporting shipper: MacKenzie and Fiemann, Ltd., 970 Malkin Avenue, Vancouver, British Columbia, Canada V6A 2K8. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123407 (Sub-No. 401TA), filed September 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products in containers* from Kansas City, Kansas, to points in Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and New Hampshire; and (2) *Return of empty containers for petroleum products* from the destination points named in (1) above to Kansas City, Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Phillips Petroleum Co., 151 Phillips Bldg. Annex, Bartlesville, Okla. 74004. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., Room 1386, 219 South Dearborn St., Chicago, Ill. 60604.

No. MC 133689 (Sub-No. 143TA), filed September 22, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: James B. Aronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packing-houses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except commodities in bulk). Territory: From the plant site and storage facilities of Wisconsin Beef Industries, Inc., at Eau Claire, Wis., to points in Illinois, Ohio, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Minnesota and Michigan. Restriction: Restricted to traffic originating at the above named origin and destined to the named destination states for 180 days. Supporting shipper: Wisconsin Beef Industries, Inc., Eau Claire, Wis. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 191TA), filed September 22, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 9041 Executive Park Dr., Suite 110, Bldg. 100, Knoxville, Tenn. 37919. Applicant's representative: Tom Fischbach, 5 West Mendota Rd., West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except commodities in bulk). Territory: From the plant site and storage facilities of Wisconsin Beef Industries, Inc. at Eau Claire, Wis. to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, North Carolina, New York, New Jersey, Mississippi, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia and District of Columbia. Restriction: Restricted to traffic originating at the above named origin and destined to the named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wisconsin Beef Industries, Inc., Eau Claire, Wis. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140665 (Sub-No. 18TA), filed September 12, 1977. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Chemicals and chemical additives; color pigments; paint or paint compounds;*

glassware, and commodities used in the production or distribution of these commodities from Pittsburgh, Pa.; Toledo, Ohio, and Hammond, Ind.; (b) *sewage treatment materials; clay products; and materials and supplies used in the marketing* or distribution of such commodities, from East Rochester, N.Y.; (c) *refractories; ceramic products; ferrite powder, and materials and supplies* used in the production or marketing of such commodities, from Crooksville, Ohio, Ogdenburg and Buffalo, N.Y.; (d) *polishing compounds; chemicals; and chemical additives,* from Dresden, N.Y. (restricted against the transportation of the involved commodities in bulk) to points in the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, Montana, Idaho, Oregon, and Washington, for 180 days. Supporting shipper: Ferro Corporation, One Erieview Plaza, Cleveland, Ohio 44114. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, BOp, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141245 (Sub-No. 2TA), filed September 19, 1977. Applicant: BARRETT TRUCKING CO. INC., 16 Austin Drive, Burlington, Vt. 05401. Applicant's representative: Brian L. Troiana, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier* by, motor vehicle, over irregular routes, transporting; *Malt beverages,* from the facilities of Onondage Imports at or near Syracuse, N.Y., to Barre and Rutland, Vt., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Calmont Beverages Co., Inc., 21 South Main Street, Barre, Vt. 05641. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 143627 (Sub-No. 1TA), filed September 8, 1977. Applicant: FITZSIMMONS TRUCKINS, INC., 617 Fourth Avenue SE., Waseca, Minn 56093. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Printed matter,* from Waseca, Minn., (1) to Chicago, Ill., Kansas City, Mo., St. Louis, Mo., and Mount Morris, Ill., and points in their respective commercial zones, and (2) to Noyes, Minn., and Pembina, N. Dak., restricted to traffic moving to Winnipeg, Manitoba, Canada, under a continuing contract with Brown Printing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brown Printing Co., Inc., U.S. Highway 14, Waseca, Minn. 56093. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 143686 (Sub-No. 1TA), filed September 12, 1977. Applicant: AMRAM ENTERPRISES, INC., 48823 Pennsylvania Avenue, Pittsburgh, Pa. 15224. Applicant's representative: Dr. Amram Onyundo (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Packages, and parcels* (not exceeding 100 lbs. in weight) of general commodities, between Pittsburgh, Pa., and points in Ohio, under a continuing contract, or contracts, with Cinemette Corp. of America, and Kaufmann's Department Store, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Cinemette Corp. of America, 107 Sixth Street, Pittsburgh, Pa. 15229; (2) Kaufmann's Department Store, 955 Reedsdale Street, Pittsburgh, Pa. 15212. Send protests to: John J. England, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 143728TA, filed September 15, 1977. Applicant: THEODORE JENSEN, doing business as JENSEN TRUCKING, R.R. 1, Wheatland, N. Dak. 58079. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes transporting: (1) *Inedible offal, grease* and *blood,* in drums, from points in North Dakota on and east of U.S. Highway 281 to Long Prairie, Minn.; and (2) *Hides* from the facilities of Jensen Rendering, Inc. at or near Wheatland, N. Dak., to Chicago and Rockford, Ill.; Milwaukee and Hartford, Wis.; and Laredo and Pasadena, Tex. Condition: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Jensen Rendering, Inc. of Wheatland, N. Dak., for 180 days. Supporting shipper: Jensen Rendering, Inc., R.R. 1, Wheatland, N. Dak. 58079. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-30761 Filed 10-20-77;8:45 am]

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Postponement of Public Meeting

The meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 95) originally scheduled for October 25, 1977, is postponed until November 15, 1977. The meeting will be held in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time. This notice is issued pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770). Marketing Order No. 905 regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The need for postponement of the meeting of the Shippers Advisory Committee results from recent changes in the demand situation for citrus fruits produced in Florida.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: October 20, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-30383 Filed 10-20-77;12:03 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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[8010-01]

1

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 October 24, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, October 26, 1977, at 10 a.m. Open meetings will be held on Wednesday, October 26, 1977, at 2:30 p.m. and on Thursday, October 27, 1977, at 10 a.m.

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 meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4) (8) (9) A and (10) and 17 CFR 200.402 (a) (8) (9) (i) and (10.)

Commissioners Loomis, Evans, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting schedule for Wednesday, October 26, 1977, at 10 a.m. will be:

Formal orders of investigation.
Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings.
Settlement of administrative proceedings.
Referral of investigative files to Federal, State, or Self-Regulatory authorities.
Regulatory matters arising from or bearing enforcement implications.
Chapter X proceedings.
Freedom of Information Act appeal.
Personnel matter.

The subject matter of the open meeting scheduled for Wednesday, October 26, 1977, at 2:30 p.m. will be:

Oral argument in the matter of an appeal by Investment Planning, Inc., George H. Weitzel and Erwin J. Hafeman from disciplinary action taken by the National Association of Securities Dealers, Inc.

The subject matter of the open meeting scheduled for Thursday, October 27, 1977, at 10 a.m. will be:

1. Application filed by Israel Hotels International, Inc. for an order exempting the company from certain reporting requirements of the Securities Exchange Act of 1934.
2. Application filed by ICH Corporation for a determination by the Commission, pursuant to Rule 252(f) of Regulation A, that it is not necessary under the circumstances that the Regulation A exemption be denied.
3. Consideration of advance notice of proposed rulemaking concerning the possible disclosure of corporate debt security ratings in filings with the Commission under the federal securities acts.
4. Consideration of the Freedom of Information Act request by C. C. Clinkscales III, relating to the processing of proxy statement of CBS, Inc. and RCA Corporation.
5. Proposed rule amendments filed by the New York Stock Exchange to: (1) lower minimum capital requirements for specialists, (2) permit one or two-member specialist units, and (3) permit maintenance of single limit order books by specialists registered in the same stocks.

FOR FURTHER INFORMATION CONTACT:

Willie M. Alexander at 202-376-7474 or Angela M. Desmond at 202-755-1173.

OCTOBER 18, 1977.

[S-1622-77 Filed 10-18-77;3:12 pm]

[6770-01]

2

FOREIGN CLAIMS SETTLEMENT COMMISSION.

F.C.S.C. Meeting Notice No. 13-77. Announcement in Regard to Commission Meetings and Hearings. The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, November 2, 1977, at 10:30 a.m., routine business.
Wednesday, November 9 1977 at 10:30 a.m. (canceled).
Wednesday November 16, 1977, at 10:30 a.m., routine business.
Wednesday, November 23, 1977, at 10:30 a.m. (canceled).
Wednesday, November 30, 1977, at 10:30 a.m. (canceled).

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, telephone: 202-653-6156.

Dated at Washington, D.C., on October 17, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-1623-77 Filed 10-18-77;3:12 p.m.]

[6714-01]

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 11 a.m., October 25, 1977.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance

El Cajon Valley Bank, to be located at 1234 East Main Street, El Cajon, Calif., for Federal deposit insurance.

The Winnsboro Bank & Trust, to be located at 210 North Main Street, Winnsboro, Tex., for Federal deposit insurance.

First Security State Bank of Ogden, to be located at the intersection of Harri-

son Boulevard and 42nd Street, Ogden, Utah, for Federal deposit insurance.

The Cowlitz Bank, to be located in the 900 block of Commerce Avenue, Longview, Wash., for Federal deposit insurance.

United Bank of Green Bay, to be located in the 200 block of South Military Avenue, Green Bay, Wis., for Federal deposit insurance.

Application for consent to establish a branch

Roosevelt Savings Bank, New York (Brooklyn), N.Y., for consent to establish a branch in the Hungry Harbor Shopping Center, 497 Hungry Harbor Road, North Woodmere (Unincorporated Area), Town of Hempstead, N.Y.

Requests for extensions of time in which to establish branches

Commonwealth Bank & Trust Co., Muncy, Pa., for an extension of time to September 18, 1978, in which to establish a branch at the southwest corner of U.S. Route 220 and Glosser Lane, Linden, Pa.

Hamilton Bank of Johnson City, Johnson City, Tenn., for an extension of time to January 1, 1978, in which to establish a branch on the northwest side of Boones Creek Road near its intersection with U.S. Highway 11-E, Jonesboro, Tenn.

Applications for consent to establish remote service facilities

The Arizona Bank, Phoenix, Ariz., for consent to establish a remote service facility at the intersection of Seventh Street and Thunderbird Road, Phoenix, Ariz.

Boone State Bank, Florence, Ky., for consent to establish a remote service facility in a Kroger Supermarket located in the area of the Florence Mall at 7611 Mall Road, Florence, Ky.

Pontiac State Bank, Pontiac, Mich., for consent to establish a remote service facility in the lobby area of St. Joseph Mercy Hospital, 900 Woodward Avenue, Pontiac, Mich.

Buffalo Savings Bank, Buffalo, N.Y., for consent to establish remote service facilities (electronic branches) in Bells Supermarkets located at 1430 Delaware Avenue, Buffalo, N.Y.; 77 Rossler Avenue, Buffalo, N.Y.; and 3300 South Park Avenue, Lackawanna, N.Y.; in Super Duper Supermarkets located at 535 Division Street, North Tonawanda, N.Y.; 9049 Erie Road, Town of Evans, N.Y.; 342 E. Center Street, Medina, N.Y.; 430 Niagara Street, Buffalo, N.Y.; and 4233 Lake Avenue, Blasdell, N.Y.; and in Canton Drugs, Inc., located at 621 Delaware Street, City of Tonawanda, N.Y., and 2890 Delaware Avenue, Kenmore, N.Y.

Erie Savings Bank, Buffalo, N.Y., for consent to establish a remote service facility (electronic branch) within a Tops market at 2505 West State Street, Olean, N.Y.

Niagara County Savings Bank, Niagara Falls, N.Y., for consent to establish remote service facilities (electronic branches) in Bells Supermarket located at 8845 Main Street, Clarence, N.Y., and in Super Duper Supermarkets located at University Plaza, 3500 Main Street, Amherst, N.Y., and 10 Buffalo Street, Gowanda, N.Y.

The Peoples Bank, Lebanon, Tenn., for consent to establish a remote service facility in Dick's Foodmart located at 1218 West Main Street, Lebanon, Tenn.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed purchase of assets of and assumption of liability to pay deposits made in The First National Bank of Lawton, Lawton, Mich., by The American National Bank & Trust Co. of Michigan, Kalamazoo, Mich.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities

Sidley & Austin, Chicago, Ill., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Trager and Trager, Fairfield, Conn., in connection with the liquidation of The Monroe Bank & Trust Co., Monroe, Conn.

Morgan Lewis & Bockius, Philadelphia, Pa., in connection with the liquidation of assets acquired from Farmers Bank of the State of Delaware, Dover, Del.

Potter, Anderson & Corroon, Wilmington, Del., in connection with the liquidation of assets acquired from Farmers Bank of the State of Delaware, Dover, Del.

Mize, Thompson & Blass, Gulfport, Miss., in connection with the liquidation of International City Bank & Trust Co., New Orleans, La.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Memorandum and resolution proposing the adoption of a revised statement of policy regarding "Legal Fees and Other Expenses Incident to Applications for Insurance and Consent to Establish Branches."

Appeals pursuant to the Freedom of Information Act from the Corporation's earlier denial or partial denial of requests for records.

Memorandum recommending the payment of a first dividend of 30 percent in connection with the receivership of The Peoples Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I.

Memorandum recommending the acquisition of additional space for the expansion of the Washington Headquarters Office.

Memorandum recommending the acquisition of additional Division of Bank Supervision Training Center lodging facilities.

Reports of committees and officers

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to bank applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Chief of the Division of Liquidation with respect to the status of the Deposit Insurance National Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I., as of September 30, 1977.

Final report of the Chief, Accounting and Budget Branch, Office of the Controller, as of July 31, 1977, with respect to termination of the receivership of Delta Security Bank & Trust So., Ferriday, La.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1629-77 Filed 10-18-77;4:04 pm]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., October 23, 1977.

PLACE: Room 6135, FDIC BUILDING, 330 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications or requests pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of persons convicted of an offense involving dishonesty or a breach of trust as directors, officers, or employees of insured banks

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 332b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,235-1—Franklin National Bank, New York, N.Y.

Case No. 43,237-NR—San Francisco National Bank, San Francisco, Calif.

Case No. 43,241-SR—American Bank & Trust Co., New York, N.Y.

Case No. 43,244-L—The Hamilton Bank & Trust Co., Atlanta, Ga.

Case No. 43,246-L—First State Bank of Northern California, San Leandro, Calif.

Case No. 43,247-L—Franklin National Bank, New York, N.Y.

Case No. 43,257-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,238-NR—Swope Parkway National Bank, Kansas City, Mo.

Case No. 43,260-L—First State Bank of Northern California, San Leandro, Calif.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1625-77 Filed 10-18-77;3:12 pm]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:45 a.m., October 25, 1977.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for consent to establish branches

The Kentucky Bank & Trust Co., Madisonville, Ky., for consent to establish a branch on Chelsa Drive in Martin Mall, Madisonville, Ky.

Eastern Savings Bank, New York (Bronx), N.Y., for consent to establish a branch at 505 Route 111, Hauppauge, N.Y.

Application for consent to change the location of a branch

Union Bank, Tucson, Ariz., for consent to change the location of its "Speedway Courtesy Branch" from 5401 East Speedway Boulevard to 6300 East Broadway, both locations with Tucson, Ariz.

Applications for consent to merge and establish branches

Sun Bank of St. Lucie County, Fort Pierce, Fla., an insured State nonmember bank, for consent to merge under its charter and title with Sun Bank of Fort Pierce, For Pierce, Fla., also an insured State nonmember bank, and for consent to establish the sole office of Sun Bank of Fort Pierce as a branch of the resultant bank.

Florida Coast Bank of Pompano Beach, Pompano Beach, Fla., an insured State nonmember bank, for consent to merge under its charter and title with Florida Coast Bank of Lighthouse Point, Lighthouse Point, Fla., and Florida Coast Bank of Oceanside, Pompano Beach, Fla., also insured State nonmember banks, and for consent to establish the three offices of the banks being acquired as branches of the resultant bank.

Sun Bank and Trust Co. of St. Petersburg, St. Petersburg, Fla., an insured State nonmember bank, for consent to merge under its charter and title with Sun Coast Bank of St. Petersburg, St. Petersburg, Fla., also an insured State nonmember bank, and for consent to establish the two offices of Sun Coast Bank of St. Petersburg as branches of the resultant bank.

First Bank & Trust Co. of Batesville, Batesville, Ind., an insured State nonmember bank, for consent to merge under its charter and title with The State Bank of Milan, Milan, Ind., also an insured State nonmember bank, and for consent to establish the sole office of The State Bank of Milan as a branch of the resultant bank.

Applications for consent to merge, establish branches, and redesignate the main office locations

The Valley Bank and Trust Co., Shelton, Conn., an insured State nonmember bank, for consent to merge under its charter and title with James Staples and Co., Bridgeport, Conn., upon the latter's conversion from its present private bank form to a State bank and trust company form; for consent to redesignate the present main office of The Valley Bank and Trust Co. as a branch of the resultant bank; and for consent to designate the single office of James Staples and Co. as the main office of the resultant bank.

Barnett Bank of Plantation, Plantation, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Barnett Bank of Broward County," with Barnett Bank of Fort Lauderdale, Fort Lauderdale, Fla.; Barnett Bank of Port Everglades, Fort Lauderdale, Fla; Barnett Bank of Riverland, Fort Lauderdale, Fla.; Barnett Bank of Jacaranda, Broward County (P.O. Plantation), Fla.; Barnett Bank of West Hollywood, Hollywood, Fla.; and Barnett Bank of Hollywood, Hollywood, Fla., also insured State nonmember banks; for consent to establish the nine existing offices of the bank begin acquired as branches of the resultant bank; and for consent to designate the present site of Barnett Bank of Fort Lauderdale as the main office of the resultant bank.

Application for consent to merge, establish branches, redesignate the main office location, and exercise trust powers

Sun Bank of Miami, Miami, Fla., and insured State nonmember bank, for consent to merge under its charter and title with Sun Bank of West Dade, Dade County (P.O. Miami), Fla.; Sun Bank of Riverside, Miami, Fla.; Sun Bank of Coral Gables, Coral Gables, Fla.; Sun Bank of Midtown, Miami, Fla.; and Sun Bank of Bal Harbour, National Association, Bal Harbour, Fla.; for consent to establish the seven existing and one approved but unopened offices of the other five banks as branches of the resultant bank; for consent to designate the present site of Sun Bank of Coral Gables as the main office of the resultant bank; and for consent for the resultant bank to exercise trust powers.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,224-L—Franklin National Bank, New York, N.Y.

Case No. 43,228-SR—American Bank & Trust Co., New York, N.Y.

Case No. 43,238-L—Franklin National Bank, New York, N.Y.

Case No. 43,242-SR—American Bank & Trust Co., New York, N.Y.

Case No. 43,250-L—Franklin National Bank, New York, N.Y.

Case No. 43,251-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

J. Randolph Pelzer, North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552 b(c)(8) and (c)(9)(A)(ii)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1626-77 Filed 10-18-77;3:20 pm]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. October 18, 1977, 42 FR 55670.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: October 20, 1977, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

P-21, Project No. 2146, Alabama Power Co. (Logan Martin Dam).

KENNETH F. PLUMB,
Secretary.

[S-1636-77; Filed 10-19-77;11:42 am]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

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. 8552B:

TIME AND DATE: October 20, 1977, following regular Commission meeting.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of pending civil litigation; the initiation, conduct or disposition of pending agency actions subject to the procedures of 5 U.S.C. 554 or otherwise involving a determination on-the-record after opportunity for a hearing, internal personnel rules and practices of the Commission; and other administrative matters which may be properly closed to the public.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone: 202-275-4166.

[S-1627-77 Filed 10-18-77; 4:04 pm]

[6740-02]

8

FEDERAL ENERGY REGULATORY COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. October 18, 1977; 42 FR 55670.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: October 20, 1977, 10 a.m:

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

G-23, CP75-158, Consolidated Gas Supply Corp.

KENNETH F. PLUMB,
Secretary.

[S-1628-77 Filed 10-18-77;4:04 pm]

9

[6750-01]

FEDERAL TRADE COMMISSION.

TIME AND PLACE: 10:00 a.m., Thursday, October 27, 1977.

PLACE: Room 432, Federal Trade Commission Bldg., 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monthly Policy Session: Management Presentation.

PERSON TO CONTACT FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information, 202-523-3830; Recorded Message 202-523-3806.

[S-1630-77 Filed 10-18-77;4:04 pm]

[7035-01]

10

OCTOBER 18, 1977.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Tuesday, October 25, 1977.

PLACE: Room 5124, Interstate Commerce Commission Bldg., 12th Street and Constitution Ave., NW., Washington, D.C.

STATUS: Notice of open meeting.

MATTER TO BE CONSIDERED:

Division 3, Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meeting to consider the following agenda:

1. Review of present Division workload.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, telephone 202-275-7535.

[S-1631-77 Filed 10-19-77;8:48 am]

[6720-01]

11

FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 199, pages 55355 and 55356, October 14, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m, October 18, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING:

The following items have been withdrawn from the agenda for the open portion of the meeting:

Branch Office Application—First Federal Savings and Loan Association of Vancouver, Vancouver, Wash.

Determination and Adjustment of Over-Valued Assets; Definition of "Appraisal", "Market Value", and "Over-Valuation".

The following item has been added to the agenda for the open portion of the meeting:

Implementation of the Housing and Community Development Act.

No. 82, October 18, 1977.

[S-1632-77 Filed 10-19-77;8:45 am]

[6720-01]

12

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m., October 26, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED:

Application for Permission to Organize a Federal Association.

No. 83, October 18, 1977.

[S-1634-77 Filed 10-19-77;11:25 am]

[6720-01]

13

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 26, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED:

Consideration of Advisory Council Travel Authorization.

EFTS-RSU Project Application—First Federal Savings and Loan Association of Chicago, Chicago, Ill.

Association Request for Extension of Time to Comply with Insurance Conditions—Hayward Savings and Loan Association, Hayward, Calif.

Application for Bank Membership and Insurance of Accounts—Sonoma County Savings and Loan Association, Santa Rosa, Calif.

Consideration of Proposed Nondiscrimination-In-Lending Data Collection and Reporting Requirements.

Consideration of Report to the Board on Proposed Amendment to § 543.1—Corporate Name Change.

No. 84, October 18, 1977.

[S-1635-77 Filed 10-19-77;11:25 am]

[6210–01]

14

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, October 26, 1977.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed negotiation of a competitive purchase of computer equipment at the Federal Reserve Bank of Philadelphia.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202–452–3204.

Dated: October 19, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[S–1633–77 Filed 10–19–77;9:27 am]

Federal Register

FRIDAY, OCTOBER 21, 1977
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Map Amendments and Proposed Flood Elevation Determinations for Various Communities

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Concord, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Concord, Calif. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the city of Concord, Calif., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 065022A Panel 06, published on August 6, 1974, in 39 FR 28250, indicates that Lots 1 through 22, Subdivision 4697, Oak Creek, Concord, Calif., as recorded in Book 7745, Page 639, in the office of the Recorder of Contra Costa County, Calif., are within the Special Flood Hazard Area.

Map No. H 065022A Panel 06 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on June 28, 1974.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30363 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Mobile County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Mobile County, Ala. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Mobile County, Ala., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 015008A Panel 61, published on June 29, 1977, in 43 FR 33204, indicates that Lot 54, Creekwood, Mobile County, Ala., as recorded in Map Book 27, Page 43, in the office of the Judge of the Probate Court of Mobile County, Ala., is within the Special Flood Hazard Area.

Map No. H&I 015008A Panel 61 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on December 17, 1976. The structure is in Zone C.

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

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30362 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-450]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Clay County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 24, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Clay County, Fla. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for Clay County, Fla., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the

agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 120064A Panels 12 and 13, published on January 24, 1975 in 40 FR 3773, indicates that Lots 18 through 23, Block 181, Lots 1, 19, and 24, Block 182, Lots 8 and 12, Block 184, Lots 7, 8, and 9, Block 185, and Lots 13 and 14, Block 187; and Lots 6, 7, 8, 30, and 31, Block 188, Black Creek Park—Unit 2, Clay County, Fla., as recorded in Book 11, Page 38, and Book 11, Page 39, respectively, in the office of the Public Records of Clay County, Fla., are within the Special Flood Hazard Area.

Map No. H 120064 Panels 12 and 13, is hereby corrected to reflect that Lots 18 through 23, Block 181, Lots 1, 19 and 24, Block 182, Lots 8 and 12, Block 184, Lots 13 and 14, Block 187 and Lots 6, 7, 8, 30, and 31, Block 188, are not within the Special Flood Hazard Area. In addition, Lots 7, 8, and 9, Block 185 are not located within the Special Flood Hazard Area, with the exception of the areas shown as Drainage Easements on the recorded plat map cited above. The above property is not within the Special Flood Hazard Area identified on January 17, 1975.

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

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30364 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-204]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of North Lauderdale, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 25, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of North Lauderdale, Fla. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of North Lauderdale, Fla., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 120049 Panel 02, published on February 25, 1974, in 38 FR 7171, indicates that Lot 3, Block 2, Resubdivision of Parcel "J" North Lauderdale Division "B", as recorded in Book 71, Page 17, in the office of the Clerk of Broward County, Fla., is within the Special Flood Hazard Area.

Map No. H 120049 Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on February 22, 1974.

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

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30365 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Wheaton, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On April 11, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Wheaton, Ill. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Wheaton, in light of additional, recently acquired flood information, that certain property (discribed below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 170221A Panel 01, published on April 11, 1974, in 39 FR 13147, indicates that 307 Brookside Circle, being Lot 8 and a portion of Lot 7 in Northside Addition to Wheaton, Ill., as identified on the Survey Plat by Webster and Associates, March 7, 1977, and recorded as Document Number 818928, Page 118 in the Office of the Recorder of Deeds of DuPage County, Ill., is within the Special Flood Hazard Area.

Map No. H 170221A Panel 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on April 5, 1974.

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

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30366 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-889]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Lebanon, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On February 13, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Lebanon, Ind. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Lebanon, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 180013A Panel 02, published on February 13, 1976, in 41 FR 6728, indicates that a portion of Lots 32 and 33, Longley's Addition to the city of Lebanon, Lebanon, Ind., as recorded in the Atlas-Boone County Record of Plats, Page 37 in the Recorder's Office of Boone County, Lebanon, Ind., is within the Special Flood Hazard Area.

Map No. H 180013A Panel 02 is hereby corrected to reflect that the existing structures known as Buildings A, B, C, and D, Tract 3, and the Double Residence on Tract I of the above property are not within the Special Flood Hazard Area identified on May 3, 1974, and January 16, 1976.

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

Issued August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30367 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Annapolis, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 6, 1974, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Annapolis, Md. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Annapolis, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map Number H 240009A Panel 03, published on August 6, 1974, in 39 FR 28255, indicates that Unit 4, Building A, Horn Point Courts, Annapolis, Md., as recorded in Condominium Platbook 56, Page 19 in the Office of the Clerk of the Circuit Court of Anne Arundel County, Md., is within the Special Flood Hazard Area.

Map Number H 240009A Panel 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

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

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30368 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-73-4551]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Allendale, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the borough of Allendale, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the borough of Allendale, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending

or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340019 Panel 02, published on March 12, 1973, in 38 FR 6679, indicates that Lot 8, Block 1303, located at 530 Brookside Avenue, Allendale, N.J., as recorded in Book 6031, Pages 336 and 337, in the office of the Clerk of Bergen County, N.J., is within the Special Flood Hazard Area.

Map No. H 340019 Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on March 16, 1973.

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

Issued September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30369 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-73-4551]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Allendale, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the borough of Allendale, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the borough of Allendale, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340019 Panel 02, published on March 12, 1973, in 38 FR 6679, indicates that Lot 7, Block 1303, at 540 Brookside Avenue, Allendale, N.J., as shown on the Allendale Tax Map, is within the Special Flood Hazard Area. This property is recorded as Lot 121 H, Block 5, in Book 6243, Pages 251 and 252, in the office of the Clerk of Bergen County, N.J.

Map No. H 340019 Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on March 16, 1973.

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

Issued September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30370 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-73-4551]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Allendale, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the borough of Allendale, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the borough of Allendale, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federally or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340019 Panel 02, published on March 12, 1973, in 38 FR 6679, indicates that Lot 10, Block 1303, located at 510 Brookside Avenue, Allendale, New Jersey, as shown on the Allendale Tax Map, is within the Special Flood Hazard Area. This property is further described in the deed recorded in Book 3418, Pages 323 and 329, in the office of the Clerk of Bergen County, N.J.

Map No. H 340019 Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on March 16, 1973.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30371 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-73-4551]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Allendale, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Borough of Allendale, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary

Map for the Borough of Allendale, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340019 Panel 02, published on March 12, 1973, in 38 FR 6679, indicates that Lot 6, Block 1303, at 550 Brookside Avenue, Allendale, N.J., as shown on the Allendale Tax Map, is within the Special Flood Hazard Area. This property is recorded as Tracts 1 and 2, in Book 6198, Pages 277 and 278, in the office of the Clerk of Bergen County, New Jersey.

Map No. H 340019 Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on March 16, 1973.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30372 Filed 10-21-77;8:45 am]

[4210-01]

[Docket No. FI-73-4551]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Allendale, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Borough of Allendale, New Jersey. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the Borough of Allendale, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340019 Panel 02, published on March 12, 1973, in 38 FR 6679, indicates that Lot 9, Block 1303, located at 520 Brookside Ave., Allendale, N.J., as recorded in Book 3808, Pages 139 and 140, in the office of the Clerk of Bergen County, New Jersey, is within the Special Flood Hazard Area.

Map No. H 340019 Panel 02 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on March 16, 1973.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30373 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On August 24, 1973, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Village of Ridgewood, New Jersey. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the Village of Ridgewood, N.J., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340067 Panel 01, published on August 24, 1973 in 38 FR 22776, indicates that Lot 26, Block 2905, located at 261 Mulberry Place, Ridgewood, N.J., shown as Lot 14J, Block 165, on a map entitled "Rambling Brook Estates, Subdivision "A", Ruta Construction Co., Ridgewood, Bergen County, New Jersey, April 21, 1975", as recorded in Book 5898, Page 436, in the office of the Clerk of Bergen County, N.J., is within the Special Flood Hazard Area.

Map No. H 340067 Panel 01 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

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

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30374 Filed 10–20–77;8:45 am]

[4210–01]

[Docket No. FI–196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Village of Ridgewood, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the Village of Ridgewood, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340067 Panel 04, published on August 24, 1973, in 38 FR 22776, indicates that Lot 6, Block 3311, at 217 Sollas Court, Ridgewood, N.J., as Shown on the Village Tax Map, is within the Special Flood Hazard Area. This property is recorded as Lot 23, Block 3311, in Book 4914, Page 144, in the office of the Clerk of Bergen County, N.J.

Map No. H 340067 Panel 04 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

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

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30375 Filed 10–20–77;8:45 am]

[4210–01]

[Docket No. FI–2245]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Waldwick, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Borough of Waldwick, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the Borough of Waldwick, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the existing structure on the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 340078A Panel 02, published on August 11, 1976, in 41 FR 33913, indicates that Lot 31, Block 73–G, located at 18 Rustic Drive, Waldwick, N.J., as recorded in Book 4367, Pages 43 through 50, in the office of the Clerk of Bergen County, N.J., is within the Special Flood Hazard Area.

Map No. H 340078A Panel 02 is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on January 9, 1974.

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

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30376 Filed 10–20–77;8:45 am]

[4210–01]

[Docket No. FI–936]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Northampton, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On March 29, 1976, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Northampton, Pa. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the Township of Northampton, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition

purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(d:

Map No. H 420988A Panel 03, published on March 29, 1976, in 41 FR 12890, indicates that Lots 1 through 56, Centennial Acres, Northampton Township, Bucks County, Pa., shown on Preliminary Plan by Tri-State Engineers and Land Surveyors, Inc., dated March 14, 1977, being the same land as recorded in Deed Book 2044, Page 204 in the Office for the Recording of Deeds in and for Bucks County, Pa., are within the Special Flood Hazard Area.

Map No. H 420988A Panel 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 14, 1977.

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

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30377 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for West Chillisquaque, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 29, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included West Chillisquaque, Pa. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the Township of West Chillisquaque, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that properyt as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 421033B Panel 02, published on June 29, 1977, in 42 FR 9117, indicates that the property described by the Deeds recorded at Volume 369, Page 584 and Deedbook No. 305, Page 289 in the Office for Recording of Deeds in and for Northumberland County, Pa., is within the Special Flood Hazard Area.

Map No. H & I 421033B Panel 02 is hereby corrected to reflect that the above property, which can be described as follows:

Commencing at a point being the intersection of Route 634 and U.S. Route 147, as shown on Tax Assessment Map No. 23, West Chillisquaque, County of Northumberland, Pa., dated October 31, 1959, thence in a southerly direction along Route 147 approximately 5,070 feet to a point; thence S. 83°30′ E., along an unnamed road approximately 1,580 feet to a point, being the actual point of beginning of the above mentioned property; thence S. 9°00′ E., approximately 865 feet to a point; thence S. 29°30′ E., approximately 245 feet to a point; thence N. 15°00′ E. approximately 330 feet to a point; thence S. 24°30′ E., approximately 360 feet to a point; thence S. 79°30′ E., approximately 275 feet to a point; thence N. 18°00′ E., approximately 490 feet to a point; thence N. 2°30′ E., approximately 555 feet to a point; thence N. 83°30′ W., approximately 925 feet to a point, being the actual point of beginning,

is not within the Special Flood Hazard Area, but is in Zones B and C as identified on April 15, 1977.

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

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30378 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Dallas, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 28, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Dallas, Tex. It has been determined by FIA, after further technical review of the Flood Hazard Boundary map for the City of Dallas, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 20, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal of Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 480171A Panel 06, published on January 28, 1975, in 40 FR 4133, indicates that Prestonwood No. 14, Lots 1 and 2, Block 20/8195, and Block 21/8195, are within the Special Flood Hazard Area.

Map No. H 480171A Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

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

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

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30379 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On January 28, 1975, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Dallas, Tex. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the City of Dallas, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 480171A Panel 06, published on January 28, 1975, in 40 FR 4133, indicates that Lots 3, 12, and 13, Block 22/8195, Section One, Prestonwood No. 15, Addition to the City of Dallas, Tex., recorded as City Plan File No. 756-216-A, in the Office of the Clerk of Dallas County, Tex., are within the Special Flood Hazard Area.

Map No. H 480171A Panel 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

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

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30380 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 29, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Fairfax County, Va. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the County of Fairfax, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 515525C Panel 14, published on June 29, 1977, in 42 FR 33235, indicates that Lot 55, Shrevewood, being 2616 Pioneer Lane, Fairfax County, Va., as recorded in Deedbook 1361, Page 111 in the Office of the Clerk of the Circuit Court of Fairfax County, Va., is within the Special Flood Hazard Area.

Map No. H & I 515525C Panel 14 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 7, 1976. The property is in Zone C.

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

Issued September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30381 Filed 10-20-77;8:45 am]

[4210-01]

[Docket No. FI-2910]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of West Allis, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of West Allis, Wis. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Hazard Boundary Map for the City of West Allis, Wis., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the existing structure on the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to

waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H 550285B Panel 0001, published on June 13, 1977, in 42 FR 30309, indicates that Tax Lot 520-9993-003, in the S.E.¼, Section 7, Township 6N., Range 21E., located at 11515 West Cleveland Avenue, West Allis, Wis., as recorded on Reel 929, Image 1458, in the office of the Register of Deeds of Milwaukee County, Wis., is within the Special Flood Hazard Area.

Map No. H 550285B Panel 0001 is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on May 20, 1977.

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

Issued September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30382 Filed 10-20-77;8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3558]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Salem, Washington County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Salem, Ind.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, South High Street, Salem, Ind.

Send comments to: Mayor Dan Humphrey, City Hall, South High Street, Salem, Ind. 47167.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Salem, Ind., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Blue River.	Market St	727
	High St	724
	State Rd 135 (main)	721
Brock Creek	Water St	744
	Homer St	724
	Hackberry St. (State Road 56).	727
	Mulberry St	727
	West Walnut St	725
	Market St	725
	Monon RR	721
Highland Creek	State Road 56 and 60	718
	Monon RR	716
	Railroad spur	714

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30320 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3559]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Erie, Neosho County, Kans.

AGENCY: Federal Insurance Administration, HUD.

AGENCY: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Erie, Neosho County, Kansas.

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

DATES: The period for comment will be ninty (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, 224 South Main, City Hall, Erie, Kansas 66733.

Send comments to: Hon. C. E. McBride, Mayor, City of Erie, P.O. Box 196, Erie, Kans. 66733.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Erie, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Puckets Run Creek.	Southern corporate limits.	888
	5th St	888
	Confluence with Puckets Run tributary between 2d and 3d Sts.	890
	2d St	892
	70 ft downstream of State St.	893
	State St	895
	Railroad St	896
	Northern corporate limit, 60 ft downstream of Atchison Topeka and Santa Fe RR.	896
Tributary to Puckets Run Creek (Confluence Between 2d and 3d St).	100 feet Upstream of Walnut Street.	890
	Second Street	892
	Canville Street	893
	Missouri-Kansas-Texas RR.	899

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

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30321 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3560]

PROPOSED FLOOD ELEVATION DETERMINATIONS

County of Harlan, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Harlan, Kentucky.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Courthouse, First and Central, Harlan, Kentucky 40831.

Send comments to: Hon. Hugh Hall, County Judge of Harlan, P.O. Box 998, Harlan, Ky. 40831.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Harlan, Ky. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to means the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cumberland River	West county boundary.	1,100
	State Highway 2007 at Coldiron (upstream).	1,117
	Access Road to U.S. Highway 119 at Wilholt.	1,159
	State Highway 413 at Loyall.	1,167
Poor Fork	U.S. Highway 421 at Baxter.	1,177
	U.S. Highway 119 at Ross Point (upstream).	1,196
	U.S. Highway 119 at Laden.	1,264
	U.S. Highway 119 at Nolansburg.	1,287
	U.S. Highway 119 at Nolansburg (upstream).	1,287
	U.S. Highway 119 at Hiram (upstream).	1,382
	U.S. Highway 119 at Chad.	1,392
	U.S. Highway 119 at Blair.	1,476
Clover Fork	Access Road to State Highway 38 at Rex.	1,197
	Louisville and Nashville RR. at Kitts (upstream).	1,210
	State Highway 38 at Brookside (upstream).	1,243
	Access Road to State Highway 38 at Verda (upstream).	1,266
	State Highway 38 at Shields (upstream).	1,384
	Louisville and Nashville RR. at Highsplint (upstream).	1,426
Martins Fork	State Highway 72 at Dressen.	1,184
	U.S. Highway 421 at Grays Knob (upstream).	1,208
	State Highway 1556 at Bobs Creek (upstream).	1,255
	State Highway 991	1,262
Catron Creek	Access Road to State Highway 72 at Elcomb.	1,200
	State Highway 2425 (upstream).	1,258
	Louisville and Nashville RR. at Pansy (upstream).	1,333
	State Highway 72 at Bardo.	1,452
Yocum Creek	Access Road to State Highway 215 at Woods (upstream).	1,333
	State Highway 215 at Kenvir.	1,417
	Access Road to State Highway 215 at Black Mountains (upstream).	1,479
Crummies Creek	U.S. Highway 217 (upstream).	1,263
	U.S. Highway 421 (upstream).	1,288

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30322 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3561]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of Baldwin, St. Mary Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Baldwin, St. Mary Parish, La.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Baldwin, La.

Send comments to: Mayor Orville Longman, P.O. Box T, Baldwin, La. 70514.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Baldwin, St. Mary Parish, La., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any

time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Teche	East Rosebud St. (extended).	9
	Ronnie St. (extended)	9
West Cote Blanche Bay.	At the intersection of Coulee and Route 83.	10
	At the intersection of Jolivette and Yokely Rd.	10

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30323 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3562]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of East China, St. Clair County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the township of East China, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at East China Township Hall, 298 Recor Road, St. Clair, Mich.

Send comments to: Mr. Robert Troy, Administrative Assistant, township of East China, East China Township Hall, 298 Recor Road, St. Clair, Mich. 48079.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the township of East China, Mich., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	State Highway M-29 and Point Dr.	579
	Puttygut Rd.	581
Jordan Creek	Railroad spur	580
	Private road	580
Belle River	Meisner Rd.	580
	Port Huron-Detroit RR.	583

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

Issued September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30324 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3572]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Ironwood, Gogebic County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Ironwood, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City of Ironwood Memorial Building, East McLeod Avenue, Ironwood, Mich.

Send comments to: Mayor Stephen Thomas, city of Ironwood Memorial Building, East McLeod Avenue, Ironwood, Mich. 49938.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Ironwood, Mich., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also

be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Montreal River	U.S. 2	1,426
	Norrie St./Poplar St.[1]	1,468
	Oma St.[1]	1,480
	do.[2]	1,484

[1] Downstream side.
[2] Upstream side.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30325 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3563]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Indianola, Sunflower County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Indianola, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 202 Main Street, Indianola, Miss.

Send comments to: Mayor D. L. Cole, P.O. Box 269, Indianola, Miss. 38751.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Indianola, Miss., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act f 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Indian Bayou	Westside Ave	116
	Alexander Ave.[1]	116
	do.[2]	115
East Prong	U.S. Highway 49W	118
	Sunflower Ave	118
	Front Ave.[1]	118
	do.[2]	116
Short Bayou	U.S. Highway 82	118
	Chapman St	118
Tributary 1	U.S. Highway 82[1]	120
	do.[2]	117
West Prong	Alexander Ave	116

[1] Upstream.
[2] Downstream.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30326 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3564]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of Isola, Humphreys County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Isola, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Isola, Miss. Send comments to: Mayor T. R. Berryhill, P.O. Box 302, Isola, Miss. 38754.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Isola, Miss., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson Bayou	Illinois Central RR	107
	Bridge Highway 49W	103
Jackson Bayou Lateral.	Belzoni St	111
	Illinois Central RR	112

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30327 Filed 10–20–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3565]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of Hudson, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Hudson, Hillsborough County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Hudson, N.H. Send comments to: Chairman of the Board of Selectmen, L. Joseph Jacquet, 12 School St., Hudson, N.H. 03051.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Hudson, Hillsborough County, N.H., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River	Upstream of Chalifoux Rd. (extended).	110
	Upstream of Route 111 bridge (west).	114
	Telles St. (extended)	115
	Upstream of St. Laurent Dr. (extended west of Webster St.).	115
Second Brook	Upstream of River View Street Bridge (abandoned).	113
	Upstream of Winhaven Draw Bridge.	143
	Upstream of Lowell Road (State Route 3A) Bridge.	148
	Upstream of Pelham Rd. culvert.	163
Limit Brook	Deserted road bridge	119
	Pine Rd. (extended west of River Rd.).	113
Beaver Brook	Northeast corporate limit (Pelham County).	165
	Upstream of Windham Road Bridge.	173
	Upstream of State Route 111 bridge.	175

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77–30328 Filed 10–20–77;8:45 am]

[4210–01]

[24 CFR Part 1917]

[Docket No. FI–3566]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Cherry Hill, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Cherry Hill, N.J. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 41 FR 56963 on December 30, 1977, and in The Cherry Hill News published on September 22, 1977, and September 29, 1977, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Township Hall, 820 Mercer St., Cherry Hill, N.J. Send comments to: Mayor Maria Barnaby Greenwald, Township Hall, 820 Mercer St., Cherry Hill, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the township of Cherry Hill, N.J., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River	Cuthbert Blvd	13
	Kings Highway [1]	20
	Pateo R.R.[1]	37
	Interstate 295	38
	Evesham Rd	41
North Branch Cooper River.	Park Blvd	17
	Kings Highway [1]	21
	Brace Rd.[1]	23
	Covered Bridge Rd.[1]	25
	Interstate 295 [1]	32
	New Jersey Turnpike.[1]	33
	Evans Lane [1]	45
	Cropwell Rd.[1]	54
	Evesham Rd	70

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tindale Run	Haddonfield-Berlin Rd.[1]	35
	Mansfield Blvd.[1]	44
Tributary No. 1	Patco RR.[1]	42
	Burnt Mill Rd.[1]	44
	Haddonfield-Berlin Rd.	52
Tributary No. 2	Patco RR.[1]	41
	Burnt Mill Rd.[1]	44
	Dumas Rd.[1]	49
	Evesham Rd.	60
South Branch Pennsauken Creek.	Moorestown Pike	13
	Coopertown Rd.[1]	17
	New Jersey Route 38.[1]	24
	New Jersey Route 41.[1]	30
	Church Rd.[1]	33
	Interstate 295[1]	40
	New Jersey Turnpike.[1]	44
	Green Tree Rd.[1]	53
	New Jersey Route 70[1]	79

[1] Upstream side.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30329 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3567]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Wake County, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Wake County, N.C. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 34625 on July 6, 1977, and in The News and Observer published on June 15, 1977, and June 16, 1977, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at County Courthouse, 316 Fayetteville Street Mall, Raleigh, N.C.

Send comments to: Mr. Garland H. Jones, Wake County Manager, P.O. Box 550, Raleigh, N.C. 27602.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Wake County, N.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Morris Branch 29[1]/5[2].	N.C.S.R. (North Carolina State Road) 1625.[3]	272
	County line	250
Panther Creek 29[1]/1[2]	N.C.S.R. 1625[3]	268
	do	251
Unnamed Stream 27[1]/4[2].	Apex extraterritorial boundary.	295
Beaver Creek 27[1]/2[2].	N.C.S.R.1611[3]	352
	N.C. 55[3]	326
	U.S. 64[3]	317
	N.C.S.R. 1160[3]	298
Terrible Creek 22[1]/19[2].	Dam by N.C.S.R. 404[3].	324
	N.C.S.R. 2751[3]	266
Basal Creek 22[1]/16[2].	N.C. 55[3]	360
	Dam by N.C.S.R. 1393[3].	328
Unnamed stream 22[1]/10[2].	N.C.S.R. 1301[3]	352
	Dam by N.C.S.R. 1301[3].	312
Unnamed stream 22[1]/9[2].	N.C.S.R. 1390[3]	333
Unnamed stream 22[1]/8[2].	N.C.S.R. 1152[3]	373
	N.C.S.R. 1390[3]	317
Mills Branch 22[1]/5[2].	Norfolk and Southern RR.[3]	236
	N.C.S.R. 2724[3]	271
Middle Creek 22[1]/1[2].	Lake Wheeler Rd.[3]	265
Lens Branch 20[1]/22[2].	N.C.S.R. 1385[3]	316
Unnamed stream 20[1]/17[2].	Dutchman Downs Rd.[3]	331
	N.C.S.R. 1386[3]	310
Echo Creek 20[1]/14[2].	Legend Rd.[3]	261
Yates Branch 20[1]/13[2].	Dam by Lake Wheeler Rd.[3]	296
	Southern RR.	253
Unnamed stream 20[1]/8[2].	N.C.S.R. 2707[3]	257
Unnamed stream 20[1]/7[2].	do[3]	249
Mahlers Creek 20[1]/6[2].	N.C.S.R. 2703[3]	229
Swift Creek 20[1]/1[2].	N.C.S.R. 1330[3]	320
	Dam by Lake Wheeler Rd.[3]	293
	Dam by N.C. 50[3]	241
Unnamed stream 19[1]/1[2].	Southern RR.[3]	291
Unnamed stream 19[1]/3[2]	Southern RR.[3]	309
	U.S. 70[3]	295
White Oak Stream 19[1]/1[2]	N.C.S.R. 2555[3]	251
Unnamed stream 18[1]/25[2]	Dam[3]	330
	N.C.S.R. 1013[3]	314
Coles Branch 18[1]/24[2]	Dam[3]	329
Morrisville tributary 18[1]/22[2].	Morrisville extraterritorial boundary.	289
Turkey Creek 18[1]/23[2]	N.C.S.R. 1615[3]	320
Crabtree Creek tributary 6 18[1]/20[2]	Morrisville extraterritorial boundary.	303
Unnamed stream 18[1]/16[2]	U.S. 70[3]	353
	N.C.S.R. 1645[3]	326
Little Brier Creek 18[1]/15[2]	U.S. 70[3]	319
	N.C.S.R. 1642[3]	314
Brier Creek 18[1]/14[2]	N.C.S.R. 1642[3]	312
	I-40[3]	299
Unnamed stream 18[1]/13[2]	Dam by N.C.S.R. 1640.[3]	310
	N.C.S.R. 1640[3]	292
Stirrup Iron Creek 18[1]/12[2]	I-40[3]	299
	N.C.S.R. 1002[3]	282
Black Creek tributary A 18[1]/11[2]	Cary extraterritorial boundary.	319
Haley Branch 18[1]/10[2]	I-40[3]	291
Crabtree Creek 18[1]/9[2].	Dam by N.C.S.R. 1615[3].	352
	N.C.S.R. 1650[3]	276
	Duraleigh Rd.[3]	219
Unnamed stream 18[1]/8[2].	N.C.S.R. 1837[3]	411
	U.S. 70[3]	370
Sycamore Creek 18[1]/6[2].	do.[3]	370
Turkey Creek 18[1]/5[2].	U.S. 70[3]	347
	Dam[3]	339
Unnamed stream 18[1]/4[2].	U.S. 70[3]	305
Hare Snipe Creek 18[1]/1[2].	Leesville Rd.	301
Unnamed stream 17[1]/4[2].	N.C. 50[3]	361
	N.C.S.R. 1830[3]	340
Lower Barton Creek 17[1]/1[2].	N.C.S.R. 1826[3]	335
	N.C. 50[3]	320
	N.C.S.R. 1834[3]	272
	N.C.S.R. 1847	239
Unnamed stream 16[1]/5[2].	N.C. 50[3]	293
	Dam[3]	234
Unnamed stream 16[1]/2[2].	N.C. 50[3]	334
	N.C.S.R. 1846[3]	293
Upper Barton Creek 16[1]/1[2].	N.C.S.R. 1841[3]	301
	N.C. 50[3]	288
	N.C.S.R. 1005[3]	210
Cedar Creek 15[1]/34[2].	N.C.S.R. 2005[3]	307
	N.C.S.R. 2002[3]	219
Unnamed stream 15[1]/33[2].	N.C.S.R. 2005[3]	306
Unnamed stream 15[1]/32[2].	N.C.S.R. 2010[3]	239
Honeycutt Creek 15[1]/31[2].	N.C.S.R. 2010[3]	253
	N.C.S.R. 2002[3]	222
Perry Creek 15[1]/27[2].	N.C.S.R. 2132[3]	285
	N.C.S.R. 2003[3]	203
Unnamed stream 15[1]/25[2].	N.C.S.R. 2049[3]	251
Unnamed stream 15[1]/22[2].	N.C.S.R. 2049[3]	229
Unnamed stream 15[1]/15[2].	N.C.S.R. 2543[3]	211
Big Branch 15[1]/14[2].	N.C.S.R. 2543[3]	204
	N.C.S.R. 2542[3]	185
Walnut Creek 15[1]/10[2].	N.C.S.R. 2551	183
Mango Creek 15[1]/11[2].	Knightdale extraterritorial boundary.	226
	Norfolk and Southern RR.[3]	185
Unnamed stream 15[1]/9[2].	N.C.S.R. 2552[3]	203
Unnamed stream 15[1]/8[2].	N.C.S.R. 2511[3]	216
Unnamed stream 15[1]/7[2].	N.C.S.R. 2601[3]	236
	N.C.S.R. 1007[3]	199
Neuse River 15[1]/1[2].	County line	250
	N.C. 50[3]	252
	N.C.S.R. 2000	213
	U.S. 64	187
	N.C.S.R. 2500[3]	172
Marks Creek 14[1]/1[2].	N.C.S.R. 2500[3]	257
	N.C.S.R. 2501[3]	221

[1] Basin number.
[2] Stream number.
[3] Upstream.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Poplar Creek 13/1[2]	Knightdale extra-territorial boundary.	212
	N.C.S.R. 2040	174
Unnamed stream 12/2[2]	N.C.S.R. 2228 [3]	238
Mingo Creek 12/2[2]	Knightdale extra-territorial boundary.	227
Beaverdam Creek 12/1[2]	N.C.S.R. 2223 [3]	203
	Dam by N.C.S.R. 2217 [3]	195
Beaverdam Creek 11/3[2]	N.C.S.R. 1001 [3]	201
	N.C. 39	220
Little Creek 11/2[2]	Zebulon extra-territorial boundary.	239
	N.C. 39 [3]	229
Unnamed stream 10/10[2]	N.C. 96 [3]	275
	N.C.S.R. 2203	200
Unnamed stream 10/9[2]	N.C. 95 [3]	200
Unnamed stream 10/8[2]	do	234
Hominy Creek 10/7[2]	N.C.S.R. 2329 (downstream).	253
Unnamed stream 10/6[2]	N.C.S.R. 2329 [3]	254
Unnamed stream 10/5[2]	do	200
Hominy Branch 10/4[2]	Wendell extraterritorial boundary.	231
Unnamed stream 10/3[2]	N.C.S.R. 2350 [3]	231
Unnamed stream 10 1/2[2]	N.C.S.R. 2353 [3]	220
Little River 10 1/1 [2]	N.C.S.R. 2333 [3]	235
	N.C.S.R. 2352 [3]	220
Buffalo Creek 9 1/1.[2]	Dam by N.C.S.R. 2324.[3]	272
	N.C.S.R. 1003 [3]	230
Powell Creek 8 1/7.[2]	N.C.S.R. 2226 [3]	230
	Dam by N.C.S.R. 2227.[3]	215
Hodges Creek 8 1/1.[2]	N.C.S.R. 2228 [3]	222
	N.C.S.R. 2049 [3]	193
Toms Creek 7 1/1 [2]	N.C.S.R. 2049 [3]	220
	N.C.S.R. 2044	205
Unnamed stream 6 1/9.[2]	N.C.S.R. 2052 [3]	306
Reedy Creek 6 1/8 [2]	N.C.S.R. 2052 [3]	201
Sanford Creek 6 1/7.[2]	N.C.S.R. 2049 [3]	223
Dunn Creek 6 1/5 [2]	Wake Forest extra-territorial boundary.	235
Smith Creek 6 1/1 [2]	N.C.S.R. 2049 [3]	229
	N.C.S.R. 2045	205
Richland Creek 5 1/1.[2]	Wake Forest extraterritorial boundary.	242
	U.S. 1 [3]	232
Mud Branch 4 1/15 [2]	N.C.S.R. 1909 [3]	440
	Dam downstream of N.C.S.R. 1909.	342
Lowery Creek 4 1/10.[2]	N.C.S.R. 1909 [3]	378
Water Fork 4 1/7 [2]	Lowery Creek confluence.	248
Horse Creek 4 1/1 [2]	N.C.S.R. 1909 [3]	332
	N.C. 98 [3]	223
Unnamed stream 3 1/3.[2]	N.C.S.R. 1918 [3]	247
Newlight Creek 3 1/1.[2]	N.C.S.R. 1912 [3]	230
	N.C.S.R. 1909 [3]	230
Little Beaverdam Creek 2 1/2.[2]	County line	323
Unnamed stream 1 1/9.[2]	N.C.S.R. 1931 [3]	232
Ledge Creek 1 1/1 [2]	County line	237
	N.C.S.R. 1930	233

[1] Basin number.
[2] Stream number.
[3] Upstream.

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30330 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI3568]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Haines, Centre County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Haines, Centre County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Haines Township Building, Rachel's Way, Aaronsburg, Pa.

Send comments to: Mr. Russell Vonada, Chairman of the Board of Supervisors of Haines, Box 9, Woodward, Pa. 16882.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the township of Haines, Centre County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet above mean sea level
Pine Creek	Oil Mountain Rd	1,037
	Township Road 11532	1,043
	Quarry Rd	1,062
	Fielder Rd	1,101
	State Highway 45	1,122
Penns Creek	South corporate limits	913
	Abandoned RR	954
	West corporate limits	1,000
Aaronsburg tributary.	West corporate limits	1,102
	Bartges Rd	1,126

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

Issued September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30331 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3569]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of North Smithfield, Providence County, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of North Smithfield, Providence County, Rhode Island.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Town Hall, Slatersville, R.I. 02876.

Send comments to: Mr. Arthur Denomme, Town Hall, Slatersville, R.I. 02876.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determination of base (100-year) flood elevations for the Town of North Smithfield, Providence County, R.I., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cherry Brook	Northeast corporate limits.	207
	Upstream of Great Rd.	222
	Upstream of Pound Hill Rd.	228
	Upstream of Woonsocket Hill Rd.	229
	Upstream of Route 104 (Farnum Pike).	230

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30332 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3570]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Brookings, Brookings County, S. Dak.

AGENCY: Federal Insurance Arministration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listen below for selected locations in the City of Brookings, Brookings County, South Dakota.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Brookings, South Dakota.

Send comments to: Hon. Orrin P. Juel, Mayor of Brookings, City Hall, Brookings, S. Dak.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Brookings, Brookings County, S. Dak., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Six Mile Creek	Chicago and Northwestern RR.	1,600
	U.S. Highway 14	1,603
	Intersection of Western Ave. and U.S. Highway 14 bypass.	1,607
	U.S. Highway 77	1,612

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30333 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3557]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Mitchell, Davison County, S. Dak.

AGENCY. Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected loactions in the City of Mitchell, Davison County, South Dakota.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 612 North Main Street, Mitchell, S. Dak. 57301.

Send comments: Mayor Robert J. Phillips, 612 North Main Street, Mitchell, S. Dak. 57301.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base (100-year) flood elevations for the City of Mitchell, Davison County, S. Dak., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Run Creek	Chicago, Milwaukee, St. Paul and Pacific RR.	1,262
	East Havens St.	1,262
	Marshall St. (extended).	1,265
	Foster St.	1,272
	Mentzer St. (extended).	1,275
	Chicago, Milwaukee, St. Paul and Pacific RR. (upstream).	1,286
	Burr St.	1,287
	Sanborn St. (upstream).	1,297
	Minnesota St.	1,297
	Ohlman St.	1,300
	Du Pre St. (extended).	1,301

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30334 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3556]

PROPOSED FLOOD ELEVATION DETERMINATIONS

County of Gonzales, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Gonzales, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Courthouse, 414 St. Joseph, Gonzales, Tex.

Send comments to: Mr. Henry H. Vollentine, County Judge of Gonzales, County Courthouse, 414 St. Joseph, Gonzales, Tex. 78629.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Gonzales, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Guadalupe River	H-5 Dam (Wood Lake).	296
	Wade Dam	330
	Upstream of H-4 Dam (Lake Gonzales).	330
	State Highway 80	338

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30335 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3555]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of Pawlet, Rutland County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Pawlet, Ruland County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Town Hall, Pawlet, Vt. 05761.

Send comments to: Mr. Ashley Waite, Chairman, Board of Selectmen, Town of Pawlet, Pawlet, Vt. 05761.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Pawlet, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mettawee River	450 ft downstream of confluence with Bullfrog Hollow Brook.	405
	2,000 ft upstream of confluence with Bullfrog Hollow Brook.	410
	3,000 ft downstream from intersection of Routes 30 and Waite Hill Rd.	565
	1,450 ft upstream from intersection of Routes 30 and Waite Hill Rd.	589
	1,450 ft downstream of confluence with Flower Brook.	626
	1,100 ft upstream from School Street. Bridge.	641
Flower Brook	Confluence with Mettawee River.	633
	Downstream of Stonework Dam.	649
	Upstream of Stonework Dam.	659
	Downstream of Timber Dam.	670
	Upstream of Timber Dam.	684
	1,050 ft downstream of Route 133 bridge (westbound crossing).	687
	Downstream of Route 133 bridge (westbound crossing).	698
	Upstream of Route 133 bridge (west bound crossing).	702
	Downstream of Route 133 bridge (eastbound crossing).	713
	Upstream of Route 133 bridge (eastbound crossing).	717
Indian River	450 ft downstream of railroad bridge (northern crossing).	511
	Railroad bridge (northern crossing).	524
	Timber Dam, upstream of railroad brodge (northern crossing).	527
	Downstream of railroad bridge (southern crossing).	531
	Upstream of railroad bridge (southern crossing).	534
	540 ft upstream of railroad bridge (southern crossing).	535

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30336 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3554]

PROPOSED FLOOD ELEVATION DETERMINATIONS

County of Goochland, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Goochland, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Courthouse, Route 6, Goochland, Va.

Send comments to: Mr. Macon C. Sammons, Jr., County Administrator, P.O. Box 10, Goochland, Va. 23063.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Goochland, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream county limits.	145
	Confluence of Genito Creek.	155
	Confluence of Beaverdam Creek at state farm bridge.	163
	U.S. Route 522	171
	Confluence of Big Lickinghole Creek.	170
	Westview Rd (extended).	192
	State Route 45 (Cartersville Rd).	207
	Elk Island Bridge	208
	Confluence of Byrd Creek.	208
	State Route 603	210
	Upstream county limits.	219

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

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

Issued: September 13, 1970.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30337 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3553]

PROPOSED FLOOD ELEVATION DETERMINATIONS

County of Halifax, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Halifax, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Administrator's Office in the Courthouse, Halifax, Va. 24558. Send comments to: Mr. Lawrence W. Wuensch, County Administrator of Halifax County, P.O. Box 786, Halifax, Va. 24558.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Halifax, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Banister River	State Route 614	317
	U.S. Route 360	319
	Upstream of Banister River Dam.	363
	Confluence of Polecat Creek.	369
Dan River	Confluence with Banister River.	325
	State Route 304	333
	Western corporate limits (extended) of the City of South Boston.	333
	Confluence of Mikes Creek.	344
Lawsons Creek	Confluence with Dan River.	337
	3,000 ft upstream of Norfolk and Western Ry.	337
	4 mi upstream of confluence with Dan River.	348

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30338 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3552]

PROPOSED FLOOD ELEVATION DETERMINATIONS

County of Chelan, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Chelan, Wash. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Courthouse, Wenatchee, Wash. 98801. Send comments to: Mr. James Young, Chairman of the Board of County Commissioners, County Courthouse, Wenatchee, Wash. 98801.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Chelan, Washington in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Squilchuck Creek	Burlington Northern RR. (downstream).	637
	Burlington Northern RR. (upstream).	650
	Malaga Road	661
	Wenatchee Avenue	682
Wenatchee River	Burlington Northern RR. (downstream).	629
	U.S. Highway No. 2 (downstream).	629
	Irrigation Siphon (downstream).	630
	Sleep Hollow Rd	697
	Main St. (downstream).	697
	Old Monitor Rd	717
	Cottage Ave	761
	Division St	771
	Goodwin Rd	806
	U.S. Highway No. 2 and 97 (downstream).	835
	Main St.—Dryden (upstream).	924

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wenatchee River—Con.	U.S. Highway No. 2 and 97 (upstream).	945
	Culvert at irrigation diversion dam.	978
	Confluence of Perhastin Creek.	980
	Perhastin-Main St.	1,023
	Irrigation siphon (upstream).	1,065
	U.S. Highway No. 2 (upstream).	1,097
	Icicle Rd.	1,117
	Burlington Northern RR. (upstream).	1,763
	River Rd. (upstream side).	1,820
	State Highway 209	1,823
	Confluence with Chiwawa River.	1,855
	State Highway 207	1,877
	Confluence with Lake Wenatchee.	1,879
Mission Creek	Confluence with the Wenatchee River.	778
	Cashmere maintenance yard.	781
	Burlington Northern RR.	786
	Sunset Ave.	787
	Angier Ave.	800
	Pioneer Ave.	811
	Mission Creek Rd. (downstream).	831
	Private Dr. (downstream).	838
	Mission Creek Rd. (upstream).	1,103
	Private Dr. (upstream).	1,130
Perhasin Creek	Saunders Rd.	1,011
	U.S. Highway 2 and 97.	1,034
	Private road	1,096
	County Road 2997	1,132
	Driveway	1,289
	U.S. Highway 97 (at upstream side).	1,385
Icicle Creek	East Leavenworth Rd.	1,122
	Icicle Island Club	1,254
Chumlick Creek	Confluence with Wenatchee River.	1,082
	Burlington Northern RR. (downstream).	1,108
	Culvert at North Rd.	1,121
	Mottler Rd (downstream).	1,135
	Mottler Rd. (upstream).	1,141
	Driveway (downstream).	1,151
	Eagle Creek Rd.	1,228
	State Highway 209 (downstream).	1,342
	Sumitsch Canyon Rd. (at upstream side).	1,452
	Irrigation diversion	1,473
	Burlington Northern RR. (upstream).	1,521
	State Highway 209 (upstream).	1,601
Chiwawa River	Confluence with Wenatchee River.	1,855
	County road 22	1,927
Entiat River	State Highway 97	712
	Private road (downstream).	745
	Entiat Valley Highway (downstream).	820
	Entiat Valley Highway (upstream).	888
	Old Highway	893
	Fish Hatchery Rd.	991
	Hatchery Dam	1,046
	Foot bridge	1,204
	Confluence with Mad River.	1,247
	Mad River Rd.	1,248
	Private road (upstream).	1,572
Mad River	Confluence with Entiat River.	1,247
	Lumber Mill road	1,265
Stehekin River	Lake Chelan	1,100
	Bridge	1,187

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

Issued: September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30339 Filed 10-20-77;8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3551]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Town of Uniontown, Whitman County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the town of Uniontown, Whitman County, Wash. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Mini Park, Montgomery Street, Uniontown, Washington 99179.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Hon. Jack Weber, mayor of Uniontown, Box 144, Uniontown, Wash. 99179.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the town of Uniontown, Whitman County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Union Flat Creek	Corporate limits (downstream).	2,559
	Confluence of South Fork of Union Flat Creek.	2,560
	County road 9410	2,563
	Corporate limits (upstream).	2,564
South Fork of Union Flat Creek.	Confluence with Union Flat Creek.	2,560
	Railroad bridge (1st crossing).	2,561
	Blair St.	2,561
	Spring St.	2,564
	Woodworth St.	2,568
	Church St.	2,571
	Private road downstream of corporate limits.	2,578
	Private road at corporate limits.	2,583

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

Issued September 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-30340 Filed 10-20-77;8:45 am]

FEDERAL REGISTER

FRIDAY, OCTOBER 21, 1977
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

GRANTS FOR HEMOPHILIA TREATMENT CENTERS

Final Regulations

[4110-84]

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 51d—GRANTS FOR SERVICE PROJECTS FOR GENETIC AND OTHER DISEASES

Grants for Hemophilia Treatment Centers; Final Regulations

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: The final regulations for grants for Hemophilia Treatment Centers revise the program requirements set out in the interim regulations published in the FEDERAL REGISTER on September 13, 1976. The grants are authorized by Section 1131 of the Public Health Service Act which became effective on July 29, 1975. The regulations will provide program requirements for grantees and potential grantees.

EFFECTIVE DATE: October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Hilary E. C. Millar, Office of Maternal and Child Health, Room 7-15, Parklawn Bldg., Rockville, Md. 20857, 301-443-6600.

SUPPLEMENTARY INFORMATION: On September 13, 1976, the Secretary published an invitation for public comment along with the interim regulations. Summaries of the substantive comments received in response and of the changes to the regulations are set out below.

1. One respondent expressed regret that a grant does not cover the cost of furnishing blood and blood products necessary for the treatment of hemophiliacs. Unfortunately, the limited appropriation for the hemophilia program is not adequate to allow projects normally to furnish blood or blood products (although project funds may be used to pay for infusion of blood products at and by the hemophilia treatment centers). It is recognized, however, that this is the most expensive part of the treatment and a heavy financial burden on hemophiliacs and their families. The staffs of the treatment centers, therefore, have the responsibility to help patients identify existing and potential sources of financial assistance for obtaining blood and blood products (§§ 51d.102(g)(1) and 51d.105(a)(5)).

2. One respondent indicated that §§ 51d.109(c)(2) and 51d.105(a)(2)(ii) were not consistent and questioned the circumstances under which blood products could be provided. As stated above, the regulation has been revised to provide that grant funds may be used to pay for blood products only when the blood products are infused at and by the center as part of the course of treatment.

3. One objection was made to the inclusion of "genetic counseling" within the definition of "social counseling." The respondent stated that these are distinct types of counseling, and should only be provided by persons with specialized training in the respective fields. This objection was accepted, and the definition of social counseling has been amended accordingly.

4. One respondent urged that the regulations include a requirement that any laboratory service utilized by grantees meet standards equivalent to those presently in force for independent interstate laboratories and, in the case of hospital-based laboratories, the standards established by the Joint Commission for the Accreditation of Hospitals. This recommendation has been accepted, and the regulations amended to require that coagulation laboratories utilized by the grantees meet applicable Federal standards.

5. One comment questioned how physicians in association caring for hemophiliacs under the program are to be compensated. While staff physicians will be paid by the center for their services, the limited appropriation will effectively preclude the center from providing financial compensation to the physicians in association. However, these physicians can, of course, continue to receive compensation for their services from the patient and from available third-party sources (including reimbursement under Title V of the Social Security Act). Moreover, through their affiliation with the center, physicians in association will receive certain professional benefits, such as the assistance of the project in developing an individualized comprehensive care program for each hemophiliac patient, and a greater awareness of the latest developments in hemophilia diagnosis, treatment, and research.

6. One respondent expressed apprehension that acceptance of a federally-funded project grant tied to Title V (Maternal and Child Health and Crippled Childrens' Services) could force the Title V agency to continue activities and absorb the liability when Federal funds appropriated for hemophilia were terminated. The regulations do not require a switchover to Title V. Although it is more likely that an application will be approved for a project showing the potential for continuing services delivery after grant support is terminated, there is no requirement that services be continued once that support is terminated.

7. One respondent urged that the program be expanded to include treatment for the disease of thrombocytopenic purpura. Treatment of the latter disease is not authorized by the statute, which provides only for treatment of individuals suffering from hemophilia. It is recognized that hemophilia and thrombocytopenic purpura are closely related; purpura, however, is essentially a platelet disorder and thus a different disease. Therefore this suggestion could not be accepted.

8. The suggestion was made that the regulations include a mechanism for the creation of an advisory panel for each of the funded centers. This suggestion has been accepted, and the regulations now contain a requirement for the establishment, to the extent possible, of an advisory board composed in part of hemophiliacs who are the recipients of services.

9. One respondent suggested that a requirement for the establishment of a uniform system of data collection should be included in the regulations. This suggestion was not accepted. Grantees are already required to establish data collection and reporting systems under § 51d.105(a)(10), and the Secretary will request data to be furnished under this requirement in a manner which insures uniformity and usefulness for evaluation purposes.

10. One commenter recommended that the "nurse" specified as a member of the comprehensive care program's multidisciplinary team and of the hemophilia treatment center's staff should be a "registered nurse." This recommendation has been accepted and § 51d.102(f)(2)(i) and § 51d.105(a)(7)(i) modified accordingly.

11. It was suggested that § 51d.105 include a quality assurance requirement with respect to services provided directly by the project, or on a referral or cooperative basis. The suggestion was not accepted, as it is felt that the quality of the hemophilia program is assured by the requirement that a multidisciplinary team of professionals develop an individualized comprehensive care plan for each person served by the project.

12. A respondent felt that the regulations ignored the need of hemophiliacs for comprehensive health care beyond the health care related to their hemophilia. Although the statute permits only treatment services related to the disease itself, it should be noted that the individualized "comprehensive care plan," developed by the multidisciplinary professional team and provided to each person served by the project, will include a broad assessment of the patient's health care needs as well as recommendations and/or referral for social and vocational counseling.

13. Concern was expressed that a strict interpretation of the word "plasma" might exclude from services those individuals with Factor IX and Factor VII deficiencies. The regulations are not intended to imply such a strict interpretation. While the most common coagulation disorder is the result of Factor VIII deficiency, treatment centers are expected to serve patients with congenital deficiences of other plasma clotting factors as well as those with von Willebrand's disease.

14. A writer suggested that § 51d.109(c)(1), which stipulates that project funds shall not be used to pay the cost of inpatient care, should be interpreted as referring only to the payment of hospital per diem charges. This suggestion has been rejected, as such an interpretation would run contrary to the spirit as well as the letter of the law. The regulation, however, does not preclude a center's grant-supported outpatient staff from continuing some services to a hemophiliac as an adjunct to inpatient care; indeed, the program hopes to encourage such continuity of care.

15. One person questioned the need for the requirement, contained in § 51d.104 (h), that grant applicants submit estimates of the average financial burden caused by hemophilia to its victims in the area. It was decided to delete this requirement because of the unavailability of such data.

16. One respondent suggested that this program should not be subject to the Health Services Funding regulations (42 CFR Part 50, Subpart A). This suggestion was accepted, and reference to these regulations has been deleted. Full application of the Health Services Funding regulations, which typically apply to much larger programs with sizable appropriations, is considered inappropriate for this program because of the limited appropriation and number of grants; the nature of the services provided; the relationship of Title V, Crippled Children's Services Program, which is not covered by the Health Services Funding regulations; and because grantees under this program must generally be part of a much larger organization in order to operate effectively in this sophisticated medical area.

17. One writer suggested that the center's staff be required to include an outreach worker. Because § 51d.105(a)(6) requires a center to establish an outreach program and § 51d.105(a)(7) requires a center to provide the necessary staff to carry out its activities, it has been decided that an outreach worker should not be otherwise mandated. However, it should be noted that the regulations do not prohibit a center from hiring an outreach worker as appropriate within the context of available resources.

18. One commenter noted that the regulations make no provision for training in home care for parents or guardians of hemophiliacs who are minors, or for including such parents or guardians on the center's advisory council. Appropriate changes have been made in § 51d.105(a)(2)(iii) and § 51d.105(a)(11).

19. It was recommended by one respondent that provision be made for community participation in the development stages of a new center. This recommendation has been accepted and a new § 51d.104(b) was added accordingly.

20. One person advocated the establishment of a formal referral system to accommodate hemophiliacs who move from one center's catchment area or area of association to another's. This suggestion has been accepted and has been incorporated in § 51d.105(a)(12).

21. In addition to the above, several minor technical and editorial changes have been made.

In consideration of the foregoing, the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby revises Subpart A of Part 51d, of Title 42, Code of Federal Regulations, as set forth below, effective October 21, 1977.

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

Dated: June 2, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: October 17, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart A of 42 CFR Part 51d is revised to read as follows:

Subpart A—Grants for Hemophilia Treatment Centers

Sec.
51d.101 Applicability.
51d.102 Definitions.
51d.103 Eligibility.
51d.104 Application for a grant.
51d.105 Project elements.
51d.106 Accord with health planning.
51d.107 Grant evaluation and award.
51d.108 Payment.
51d.109 Use of project funds.
51d.110 Civil rights.
51d.111 Confidentiality.
51d.112 Publication and copyright.
51d.113 Grantee accountability.
51d.114 Performance and financial reports.
51d.115 Applicability of 45 CFR Part 74.
51d.116 Additional conditions.

AUTHORITY: Secs. 216, 1131, Public Health Service Act (42 U.S.C. 216, 300c-21).

Subpart A—Grants for Hemophilia Treatment Centers

§ 51d.101 Applicability.

The regulations of this subpart are applicable to grants to public and nonprofit private entities pursuant to section 1131 of the Public Health Service Act (42 U.S.C. 300c-21) for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers.

§ 51d.102 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Applicant" means a public or nonprofit private entity which applies for a grant under this subpart.

(c) "Area of association" means the area outside a project's catchment area in which the project provides services in a program of association with providers of health care pursuant to § 51d.105(c) of this subpart.

(d) "Catchment area" means the area in which a project provides all of its services, except those provided pursuant to § 51d.105(c).

(e) "Center" means a project funded under this subpart.

(f) "Comprehensive care program" means a program detailing the appropriate treatment for an individual suffering from hemophilia which:

(1) Includes:

(i) An assessment of the type and severity of the individual's hemophilia condition;

(ii) Statements of the health care needed, including estimates of the individual's need for prophylactic or replacement therapy, prophylactic dental care, physical therapy for prevention of secondary joint problems, and orthopedic treatment;

(iii) A statement of the activity (educational, recreational, and occupational) to be limited or avoided by the individual, or recommended for the individual;

(iv) Recommendations for periodic re-evaluation (no less frequently than annually);

(v) Recommendations and/or referral for social and vocational counseling;

(vi) Recommendations and/or referral for genetic counseling; and

(vii) Information on 24-hour, 7-day-a-week emergency service; and

(2) Is developed by a multidisciplinary team which includes:

(i) Each of the following: a hematologist, a pediatrician or internist as appropriate, a registered nurse, and a social worker; and

(ii) If medically indicated, any one or more of the following: an orthopedist, a physical therapist, a psychiatrist, a psychologist, an oral surgeon or dentist, or an educational and/or vocational counselor.

(g) "Counseling" means consultation and advice provided by persons appropriately trained in their respective fields, and includes:

(1) Social counseling (counseling which is directed toward enhancing the social functioning of patients and their families through counseling about family relationships and interrelationships and helping to obtain tangible services, sources of referral for appropriate medical treatment, and sources of financial assistance for medical expenses);

(2) Vocational counseling (counseling concerning education, training, and employment suitable for hemophiliacs); and

(3) Genetic counseling.

(h) "Diagnosis" means the determination of the cause of significant bleeding tendencies.

(i) "Hemophilia" means a genetically transmitted bleeding disorder resulting from a deficiency of a plasma clotting factor.

(1) "Mild hemophilia" means a condition under which a hemophiliac individual:

(i) Generally leads a normal life, and

(ii) Has a sufficient amount of the clotting factor for blood to coagulate and bleeding to be controlled (a circulating level of clotting factor usually above 10 percent of normal).

(2) "Moderate hemophilia" means a condition under which a hemophiliac individual:

(i) Rarely hemorrhages spontaneously but may experience significant hemorrhage after minor trauma, or

(ii) Has a circulating level of clotting factor that usually ranges from 1 to 10 percent of normal.

(3) "Severe hemophilia" means a condition under which a hemophiliac individual

(i) Throughout his life is subject to spontaneous hemorrhage into soft tissue, bone joints, and muscles as well as bleeding after any type of trauma or minor surgery, or

(ii) Has a circulating level of clotting factor that is usually less than 1 percent of normal.

(j) "Nonprofit" as applied to a private entity means that no part of the net earnings of such entity inures, or may lawfully inure, to the benefit of any private shareholder or individual.

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

(l) "State" means any of the several States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

§ 51d.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this subpart.

§ 51d.104 Application for a grant.

An applicant for a grant under this subpart shall submit an application to the Secretary at such time and in such form and manner as the Secretary may prescribe. The application must contain:

(a) A full description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart.

(b) Evidence that the applicant consulted with appropriate community groups and hemophiliacs within the catchment area in developing its project.

(c) A budget and justification of the amount of grant funds requested.

(d) Evidence that the applicant is or within a reasonable time will become an approved provider of crippled children's services for hemophiliacs under Title V of the Social Security Act.

(e) A description of the precise boundaries of the catchment area which the applicant proposes to serve, and a description of the largest area outside that catchment area which the applicant cannot conveniently serve directly but can realistically serve through association with other health care providers who are treating individuals with hemophilia in a program of association meeting the requirements of § 51d.105(c) of this subpart.

(f) The estimated number of severe, moderate, and mild hemophiliacs residing in the applicant's proposed catchment area and the estimated number of those hemophiliacs in the proposed area of association.

(g) The estimated number of and a description of the programs for hemophiliacs within the applicant's catchment area and in the area of association, and the estimated number of hemophiliacs receiving care in each area under the programs.

(h) A statement of the method to be used to identify providers of health care who are treating individuals with hemophilia in the applicant's proposed area of association, and the method to be used to notify such providers of the services which the applicant will make available to them.

(i) The approximate number of hemophiliacs to be served by the applicant in its proposed catchment area and area of association.

(j) An assurance satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it effectively to serve.

(k) A description of the diagnostic and specialty treatment services to be offered and, in the case of an applicant already providing services to hemophiliacs, a description of all diagnostic, treatment, and other services for hemophiliacs being provided by the applicant.

(l) A description of the applicant's arrangements for access to an appropriate coagulation laboratory and an appropriate blood bank under § 51d.105(a)(1) and (2).

(m) The plans and curricula for training professional and paraprofessional personnel pursuant to § 51d.105(a)(3) of this subpart.

(n) Copies of position descriptions for key personnel to be utilized in carrying out the project, a statement indicating the need for the specific positions, and a description of the qualifications of principal staff members.

(o) A description of the counseling program to be provided pursuant to § 51d.105(b)(2) and of the arrangements to be made to provide social and vocational counseling.

(p) Such other pertinent information as the Secretary may require.

(q) Evidence that:

(1) The requirements of Part I of Office of Management and Budget Circular No. A-95 have been satisfied, and

(2) All applicable requirements for review and approval under Title XV of the Act have been met.

(r) The signature of the individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the applicable regulations of this subpart, and any additional conditions of the grant award.

§ 51d.105 Project elements.

(a) *General requirements.* A project funded under this subpart must:

(1) Have a program to diagnose the type, degree, and nature of the bleeding tendency of individuals identified as probably suffering from hemophilia for the purpose of determining appropriate treatment. Such program shall include, at a minimum:

(i) Ready access to a coagulation laboratory that meets the standards set forth in 20 CFR Part 405, "Conditions of Coverage of Services of Independent Laboratories;" participates in the proficiency testing program of the Center for Disease Control; and which is capable of:

(A) Diagnosing any plasmatic factor deficiency;

(B) Identifying the existence of platelet functional disorders;

(C) Identifying the presence of inhibitors to one or more of the clotting factors, and

(D) Determining the existence of Factor VIII-related antigen, or obtaining access to this test by arrangement with another institution; and

(ii) Performing, at least annually, a test to detect inhibitors to one or more of the clotting factors on each hemophiliac served by the project who is receiving replacement therapy.

(2) Provide a program of comprehensive hemophilia treatment services, as specified in the grant award, of a specialized, multidisciplinary nature generally unavailable in its catchment area or area of association. This program may be carried out directly or on a referral basis, except that each project shall, at a minimum,

(i) Have access to a blood bank which:

(A) Has expertise in preparing, evaluating, and storing therapeutic blood factors;

(B) Has available a comprehensive variety of blood products, including freeze-dried clotting factor concentrates, cryoprecipitates of plasma, and fresh or frozen whole plasma; and

(C) Relies, to the extent practicable, on voluntary donor sources for blood.

(ii) Provide to individuals served by the project prescriptions for blood products and directly provide blood products only when infused at and by the project; and

(iii) Provide training in home care to all hemophiliacs served by the project in need thereof and to the parents or guardians of such hemophiliacs who are minors.

(3) Provide a program of:

(i) Short-term training (not to exceed the equivalent of three months of full-time training) in standards of hemophilia diagnosis and treatment to professional and paraprofessional personnel of the project and, as resources permit, to personnel concerned with the treatment of hemophiliacs, who work in the project's catchment area or area of association; and

(ii) Training of professional and paraprofessional project personnel in at least one selected area of hemophilia research.

(4) Develop, in consultation with the individual's primary physician, and provide to each hemophiliac served by the project (unless medically contraindicated) a written comprehensive care program.

(5) Serve as a clearinghouse for information on the availability of other programs of assistance and insurance for hemophiliacs, and assist hemophiliacs served by the project in making any necessary arrangements with those programs.

(6) Establish an outreach program to encourage all hemophiliacs and health care providers in the project's catchment area and area of association to participate in the program sponsored by the project.

(7) Provide for sufficient full- or part-time staff, qualified by training and experience, to carry out its activities.

(i) The staff must include, at a minimum, a hematologist, internist, pediatrician, orthopedic surgeon, oral surgeon or dentist, physical therapist, registered nurse, and a social worker, except that if the hematologist is also an internist or a pediatrician an additional internist or pediatrician is not required to be on the staff.

(ii) The project must also insure the availability of a nutritionist, psychiatrist, psychologist, and an educational/vocational or rehabilitation counselor.

(8) Be, or within a reasonable time become, an approved provider of crippled children's services for hemophiliacs under the approved State plan under Title V of the Social Security Act for the State or States in which its catchment area and area of association lie.

(9) Make every reasonable effort to collect payment for services provided by the project in accordance with the applicable schedule of fees and payments for such services of the approved State plan referred to in paragraph (a) (8) of this section. Where a project provides services to residents of more than one State, the project shall provide services to residents of the State in which the project facility is located in accordance with the schedule of the State plan of that State, and shall provide services to residents of any other State served in accordance with an agreement with the State agency which administers the approved title V State plan of such other State concerning such fees and payments.

(10) Establish basic medical data, statistical data, cost accounting, management information and reporting systems which will enable the project to provide such statistics and other information as the Secretary may reasonably require relating to its costs of operation, patterns of utilization, and the availability, accessibility, acceptability, and effectiveness of its services, and to make these reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(11) Provide for community participation, through establishment of an advisory council, if feasible, to advise with respect to the overall management of the project including services to be provided, the manner of their provision, and appointment of personnel. The membership of the advisory council must be representative of the population in the area served by the center, and include at least one hemophiliac receiving services from the center and at least two persons from separate family groups who are parents or guardians of hemophiliacs who are minors.

(12) Establish a formal referral system which will provide timely and necessary arrangements for eligibility, transfer of records, and a written referral for hemophiliacs who move to another treatment center's catchment area or area of association.

(b) *Requirements applicable to the project's catchment area only.* In addition to the requirements of paragraph (a) of this section, a project funded under this subpart must provide within its catchment area:

(1) Access to the services of the project for all individuals suffering from hemophilia who reside in the catchment area and

(2) A program of counseling designed to assist hemophiliacs, who reside in the project's catchment area and are served by the center, to lead an independent life. Such counseling may be provided directly or by referral.

(c) *Requirements applicable to the area of association only.* In addition to the requirements of paragraph (a) of this section, a project funded under this subpart must provide a program of association with providers of health care who are treating individuals suffering from hemophilia residing outside the project's catchment area but within the area which the Secretary has determined (and has specified in the grant award) that the project cannot conveniently serve directly but can realistically serve with such a program. This program shall consist of at least the following:

(1) Implementation of a plan to identify and contact all providers of health services to hemophiliacs in the area of association and notify these providers of the project services available to them; and

(2) Institution of a program to attempt to enter into cooperative arrangements with these providers for the treatment of these hemophiliacs. Such arrangements must provide at a minimum for the following:

(i) Development by the project of written comprehensive care programs for hemophiliacs being treated by the providers in association with the project, with the participation and agreement of these providers in;

(ii) Treatment of these hemophiliacs in accordance with the comprehensive care programs;

(iii) Provision for having these hemophiliacs visit the project for an annual re-evaluation of their medical and treatment status; and

(iv) Cooperation of the providers in association in arranging for social and vocational counseling for these hemophiliacs.

§ 51d.106 Accord with health planning.

A grant may be made under this part only if the applicable requirements of Title XV of the Act relating to review and approval by the appropriate health planning agencies have been met.

§ 51d.107 Grant evaluation and award.

(a) Within the limits of funds available, the Secretary may award grants under this subpart to eligible applicants which submit approvable applications in accordance with the following procedures:

(1) In determining whether an application is approvable, the Secretary shall take into account:

(i) Whether it meets the requirements of this subpart;

(ii) The number of persons to be served by the project in relation to the grant funds requested; and

(iii) The extent to which rapid and effective use of grant funds will be made by the project, considering the following:

(A) The degree to which the project will be operated in conformity with the hemophilia services part of the State plan for crippled children's services under Title V of the Social Security Act;

(B) The professional and technical competence of the project in hemophilia diagnosis, treatment, rehabilitation, and research;

(C) The potential integration of the project's services with other health service delivery programs;

(D) The soundness of the project's management; and

(E) The extent of community participation.

(2) The Secretary will give priority to projects that will operate in areas which the Secretary determines have the greatest number of severe and moderate hemophiliacs whose need for the services to be provided by such projects is unmet, as determined on the basis of the information supplied pursuant to § 51c.104.

(b) The amount of any award will be determined by the Secretary on the basis of his estimate of the sum necessary for the proper performance of the project. In determining the grantee's share of project costs, if any, costs borne by Federal funds, or costs used to match other Federal grants, may not be included except as may be otherwise provided by law.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application periodically at such times and in such form as the Secretary may direct.

§ 51d.108 Payment.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award either in advance or by way of reimbursement for expenses incurred in the performance of the project, to the extent he determines these payments necessary to promote prompt initiation and advancement of the approved project.

§ 51d.109 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 1131 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this subpart may be used for, but need not be limited payment of, the costs of the following:

(1) Diagnosis and treatment services;
(2) Counseling services;
(3) Training professionals and paraprofessionals in hemophilia diagnosis, treatment, and research;
(4) Data collection and pooling of medical information;
(5) Transportation of patients, as necessary;
(6) Transportation and per diem for training professionals and paraprofessionals in association with the project;
(7) Public information;
(8) Delivering project services to hemophiliacs within the project's catchment area and area of association, within the following limitations: grant funds may be used to pay the portion of the reasonable cost of services provided in accordance with the schedule of fees and payments used pursuant to § 51.105(a)(9) which, under such schedule, is uncompensated.

(c) Project funds awarded under this subpart shall not be used to pay the cost of:
(1) Inpatient hospital care;
(2) Provision of blood products except when the blood products are infused by and at the project as part of the course of treatment provided at the project.

(d) Grant funds shall not be used in lieu of other area funding sources to pay to support the program.

§ 51d.110 Civil rights.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252 (42 U.S.C. 2000d et seq.)) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary with the approval of the President (45 CFR Part 80). In addition, no person shall be denied employment in or by such program or activity on the grounds of age, sex, creed, or marital status.

(b) Attention is also called to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 51d.111 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff in connection with the provision of services under the project shall be treated as privileged communication, shall be held confidential, and shall not be divulged to any party including the provider in association without the individual's consent except as may be otherwise required by applicable law (including this subpart) or necessary to provide services to the individual. Such information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 51d.112 Publications and copyright.

Except as may be provided under the terms and conditions of the award, the Department of Health, Education, and Welfare copyright requirement, set forth in 45 CFR 74.140, shall apply to any book or otherwise copyrightable material developed or resulting from the activity supported by a grant under this part.

§ 51d.113 Grantee accountability.

(a) *Accounting for grant award payments.* The grantee shall record all payments made by the Secretary in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this subpart. *Provided, however,* that when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Grant closeout.* (1) Date of final accounting. A grantee shall render, with respect to each approved project, a full account as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of;
(i) Any amount not accounted for pursuant to paragraph (b) of this section.
(ii) Any credits for earned interest pursuant to paragraph (b) of this section.
(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.
(iv) Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 51d.114 Performance and financial status reports.

A grantee shall submit a performance report meeting the requirements of 45 CFR 74.82(c), and a financial status report in accordance with 45 CFR 74.73.

§ 51d.115 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this subpart:

45 CFR PART 74

Subpart
A General.
B Cash depositories.
C Bonding and insurance.
D Retention and custodial requirements for records.
F Grant-related incomt.
G Matching and cost sharting.
K Grant payment requirements.
L Budget revision procedures.
M Grant closeout, suspension, and termination.
O Property.
Q Cost principles.

§ 51d.116 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of the award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved project, the interest of public health, or the conservation of grant funds.

[FR Doc.77-30790 Filed 10-20-77;8:45 am]

Federal Register

FRIDAY, OCTOBER 21, 1977

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

TETRACYCLINE IN ANIMAL FEEDS AND TETRACYCLINE CONTAINING PREMIXES

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 510, 558]

[Docket No. 77N-0317]

CHLORTETRACYCLINE AND OXYTETRACYCLINE IN ANIMAL FEEDS

Notice of Proposed Rule Making

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal would amend regulations to revise provisions for the subtherapeutic use of chlorotetracycline and oxytetracycline in animal feeds. This proposal is based upon a notice of opportunity for hearing on a proposal to withdraw approval of new animal drug applications for certain uses of these antibiotics. The proposal would revoke from the regulations those subtherapeutic uses not shown to be safe and effective.

DATE: Written comments by January 19, 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:

Gerald B. Guest, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the FEDERAL REGISTER, under Docket No. 77N-0316, the Director of the Bureau of Veterinary Medicine is issuing a notice of opportunity for hearing on a proposal to withdraw approval of certain new animal drug applications (NADA's) for chlortetracycline and oxytetracycline containing premixes, on the grounds that new evidence not available until after such applications were approved, evaluated together with the evidence available when the applications were approved, shows that such drugs are not shown to be safe for extensive subtherapeutic use, that certain applicants have failed to establish and maintain required records and reports, and that new information demonstrates there is a lack of substantial evidence of effectiveness for certain subtherapeutic claims for these products.

Consistent with this action, the Director is hereby proposing to amend the regulations to revise the provisions that provide for the use of such drugs alone and in combination with other drugs for use in animal feed. Where the Director has retained subtherapeutic uses, he has revised the conditions of use in accordance with the recommendations of the National Academy of Science/National Research Council Drug Efficacy Study Group.

The Director has carefully considered the environmental effects of this action, and because it will not significantly affect the quality of the human environment, he has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration. Moreover, in a proposal published in the FEDERAL REGISTER of May 27, 1977 (42 FR 27264), the Commissioner of Food and Drugs requested data concerning the potential environmental impact of a series of regulatory actions designed to restrict the subtherapeutic use of antibacterials in animal feeds. If the public discussion and information gathered warrant, a comprehensive environmental impact statement will be prepared evaluating the impact of all the actions as a single program.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director (21 CFR 5.84), it is proposed that Parts 510 and 558 be amended, as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.515 [Amended]

1. By amending § 510.515 Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act, as follows:

a. In paragraph (b) by deleting from paragraph (b)(7)(i) the words "not less than 100 grams of chlortetracycline, or oxytetracycline, or a combination of such drugs, or"; by deleting and reserving paragraph (b)(7)(i)(b); by deleting paragraph (b)(7)(iii); by deleting and reserving paragraph (b)(17); by redesigning paragraph (b)(26)(i) as (b)(26) and by deleting paragraph (b)(26)(ii).

b. In paragraph (c) by deleting from the table, items 11, 12, 13, and 14.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEED

2. By amending § 558.15 by revising the tables in paragraph (g)(1) and (2), by deleting certain entries for chlortetracycline and oxytetracycline alone or in combination to read as follows:

§ 558.15 Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals.

* * * * *

(g) * * *

(1) * * *

Drug sponsor	Drug premix	Species	Use levels	Indications for use
IMC Chemical Group, Inc.	Zinc bacitracin	Chickens, turkeys, swine, pheasants, and quail. Cattle.	Sec. 558.78	Sec. 558.78.
Thompson-Hayward Chemical Co.	do	Chickens, turkeys, pheasants, and quail.	do	Do.
A.L. Laboratories, Diamond Shamrock Corp.	Bacitracin methylene disalicylate.	Chickens, turkeys, and swine.	Sec. 558.76	Sec. 558.76.
		Cattle	do	Do.
Elanco Products Co.	Hygromycin B	Chickens and swine.	Sec. 558.274	Sec. 558.274.
Do	Tylosin	Chickens, swine, and beef cattle.	Sec. 558.625	Sec. 558.625.
Abbott Laboratories	Erythromycin	Chickens, turkeys, and swine.	Sec. 558.248	Sec. 558.248.
The Upjohn Co.	Lincomycin	Chickens	Sec. 558.325	Sec. 558.325.
Pfizer, Inc.	Oleandomycin	Chickens, turkeys, and swine.	Sec. 558.435	Sec. 558.435.
American Hoechst Corp.	Bambermycins	Chickens	Sec. 558.95	Sec. 558.95.
Elanco Products Co.	Tylosin	Swine	Sec. 558.630	Sec. 558.630.
Do	Sulfamethazine	do	do	Do.
American Cyanamid Co., Diamond-Shamrock Corp., Hess & Clark, Rachelle Labs, Inc., and Vitamin Premixers of Omaha.	Chlortetracycline	Chickens, turkeys, swine, and cattle.	Sec. 558.128	Sec. 558.128.
Merck Sharp & Dohme Research Labs.	Procaine penicillin.	Chickens, turkeys, swine, pheasant, and quail.	Sec. 558.460	Sec. 558.460.
E. R. Squibb & Sons, Inc.	do	do	do	Do.
Merck Sharp & Dohme Research Labs.	Sulfaquinoxaline	Chickens	Continuously, 0.0125 to 0.025 pct.	Aid in prevention of coccidiosis due to *Eimeria tenella, E. necatrix, E. acervulina, E. brunetti, E. maxima.*
Do	do	Turkeys	Continuously, 0.0175 pct.	Aid in the prevention of coccidiosis due to *Eimeria meleagrides, E. meleagrimitis* and *E. adenoides.*
Do	do	Rabbits	Continuously, 0.025 pct.	Aid in prevention of coccidiosis due to *Eimeria stiedae, E. perforans.*
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline	Chickens and turkeys.	Sec. 558.450	Sec. 558.450.
Pfizer, Inc.	Penicillin	Chickens, turkeys, and swine.	Secs. 558.460 and 510.515 of this chapter.	Secs. 558.460 and 510.515 of this chapter.
Do	Penicillin and streptomycin.	do	do	Do.

Drug sponsor	Drug premix	Species	Use levels	Indications for use
American Cyanamid Co.	Chlortetracycline	Cattle	Sec. 558.128	Sec. 558.128.
Do	Sulfamethazine	do	do	Do.
Norwich Pharmacal	Nitrofurazone	Swine	0.055 pct (500 g/ton).	Treatment of necrotic enteritis caused by *S. choleraesuis*.
Merck Sharp & Dohme Research Labs.	Procaine penicillin and streptomycin sulfate.	Sec. 558.400	Sec. 558.400	Sec. 558.400.
Abbott Laboratories	Erythromycin	Cattle	37 mg/head/d	Sec. 558.218.
Hoffman-La Roche, Inc.	Sulfadimethoxine and ormetoprim.	Chickens and turkeys.	Sec. 558.575	Sec. 558.575.
Hess & Clark and Norwich Pharmacal Co.	Furazolidone	do	0.00033 to 0.0011 pct (7½ to 10 g/ton).	To stimulate growth and improve feed efficiency of chickens and turkeys when fed continuously.
Do	do	do	0.0055 pct (50 g/ton).	For prevention of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed continuously in birds older than 2 weeks of age. For aid in prevention of coccidiosis in chickens caused by *E. tenella*, *E. necatrix*, or *E. acervulina* when fed continuously.
Do	do	do	0.0055–0.011 pct (50–100 g/ton).	Aid in maintenance of feed consumption and growth and reduction of morbidity and mortality due to stress and the following nonspecific conditions. Chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever) and quail disease (ulcerative enteritis) when fed continuously prior to or throughout the danger period and during times of stress.
Do	do	do	0.0011 pct (100 g/ton).	For prevention of fowl typhoid, paratypoid and pullorum in chickens and turkeys when fed for the first 2 weeks of the birds' life and followed continuously thereafter by ½ this level (i.e., 0.0055 pct). For treatment of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed for at least 2 weeks except when paratyphoid is due to *S. typhimurium*.
Do	do	do	do	For reduction of condemnations due to chronic respiratory disease air-sac complex associated with vaccination stress, feed continuously beginning at least 1 week before vaccination. For prevention of infectious hepatitis when fed continuously during the danger period. For control of coccidiosis in chickens caused by *E. tenella*, *E. necatrix*, or *E. acervulina* when fed for 5 to 7 d or longer and followed by ½ this level (i.e., 0.0055 pct) for 2 weeks to aid in preventing recurrence.
Do	do	do	do	For prevention of black head (histomoniasis, enterohepatitis) in chickens and turkeys when fed continuously. For prevention of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed throughout the danger period. For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever) and quail disease (ulcerative enteritis) when fed for 5 to 10 d and followed with ½ this level (i.e., 0.0055 pct) to aid in preventing recurrence. (NOTE.—Severe outbreaks may require twice the level specified; i.e., 0.022 pct).

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Hess & Clark and Norwich Pharmacal Co.	Furazolidone	Chickens and turkeys.	0.011 to 0.022 pct (100 to 200 g/ton).	Aid in maintenance of feed consumption and growth, and reduction of mortality and morbidity due to stress; for the control of the following nonspecific conditions; Chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to a filterable agent), (blue comb, mud fever), and quail disease (ulcerative enteritis) when fed 5 to 10 d. Follow with preventive level to prevent recurrence.
Do	do	do	0.022 pct (200 g/ton).	For treatment of paratyphoid due to *S. typhimurium* when fed for 2 weeks. For treatment of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed for 2 to 3 weeks (following diagnosis). For treatment of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed for 2 weeks or longer (following diagnosis). For control of chronic respiratory disease (air-sac), infectious sinusitis synovitis (arthritis due to filterable agent), nonspecific enteritis (blue comb, mud fever), and quail disease (ulcerat ve enteritis) when fed for 5 to 10 d and followed with ¼ this level (i.e., 0.0055 pct) to aid in preventing recurrences. For treatment of infectious hepatitis in chickens when fed for 14 d and repeated as necessary.
Do	do	Swine	Sec. 558.262	Sec. 558.262.
Do	Nitrofurazone	Chickens	0.0055 pct (50 g/ton).	Aid in prevention of coccidiosis when fed continuously.
Do	do	Turkeys	do	As an aid in controlling losses due to secondary bacterial invasions concurrent with coccidiosis outbreaks when fed continuously throughout the danger period.

(2) * * *

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
American Cyanamide Co.	Chlortetracycline and sulfamethazine.	Cattle	Sec. 558.128	Sec. 558.128.
The Upjohn Co.	Lincomycin, amprolium, and ethopabate.	Chickens	Secs. 558.58 and 558.325.	Secs. 558.58 and 558.325.
Do	Lincomycin and zoalene.	do	Secs. 558.325 and 558.680.	Secs. 558.325 and 558.680.
Do	Lincomycin, amprolium, ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid.	do	Secs. 558.58 and 558.325 and 558.530.	Secs. 558.58 and 558.325 and 558.530.
Do	Lincomycin, monensin, and 3-nitro-4-hydroxyphenylarsonic acid.	do	Secs. 558.325 and 558.355 and 558.530.	Secs. 558.325 and 558.355 and 558.530.
Merck Sharp & Dohme Research Labs. and Pfizer, Inc.	Procaine penicillin.	Chickens and turkeys.	2.4 to 7.5 g/ton	Sec. 558.460.
Do	Streptomycin	do	12.0 to 37.5 g/ton	Do.
Do	Procaine penicillin.	Chickens	3.75 to 7.5 g/ton	Do.
Do	Streptomycin	do	18.75 to 37.5 g/ton	Do.
Do	Procaine penicillin.	do	3.75 to 30 g/ton	Sec. 558.460.
Do	Streptomycin	do	18.75 to 150 g/ton	Do.
Do	Procaine penicillin.	Turkeys	15 to 30 g/ton	Do.
Do	Streptomycin	do	75 to 150 g/ton	Do.
Do	Procaine penicillin.	Chickens	2.4 to 25 g/ton	Sec. 510.515 of this chapter.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Do	Procaine penicillin.	Swine	1.5 to 7.5 g/ton	Sec. 558.460.
Do	Streptomycin	do	7.5 to 37.5 g/ton	Do.
Do	Procaine penicillin.	do	7.5 to 45 g/ton	Sec. 558.460.
Do	Streptomycin	do	37.5 to 225 g/ton	Do.
Do	Procaine penicillin.	do	5 to 25 g/ton	Sec. 510.515 of this chapter.
Do	Streptomycin	do	15 to 75 g/ton	Do.

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Merck Sharp & Dohme Research Labs.	Procaine penicillin.	Swine	1.5 to 7.5 g/ton	Do.
Do	Streptomycin	do	7.5 to 37.5 g/ton	Do.
Do	Arsanilic acid	do	45 to 90 g/ton	Do.
Do	Nicarbazin	Chickens	0.01 to 0.02 pct	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	Nicarbazin	do	0.01 to 0.02 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Nicarbazin	do	0.01 to 0.02 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 pct	Do.
Do	Nicarbazin	do	0.01 to 0.02 pct	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 pct	Do.
Do	Amprolium	Chickens and turkeys.	0.0125 to 0.025 pct	Sec. 558.55.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Amprolium	Chickens	0.0125 to 0.025 pct	Do.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Secs. 558.55 and 558.530.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 pct	Do.
Do	Amprolium	Chickens and turkeys.	0.001 to 0.025 pct	Sec. 558.55.
Do	Procaine penicillin	do	2.4 to 50 g/ton	Do.
Do	Amprolium	Chickens	0.001 to 0.025 pct	Secs. 558.55 and 558.530.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 pct	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Sec. 558.55.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	Erythromycin	do	4.6 to 18.5 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Do.
Do	Erythromycin	do	4.6 to 18.5 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Do.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Do.
Do	Arsanilic acid	do	0.01 pct	Do.
Do	Erythromycin	do	4.6 to 18.5 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Do.
Do	Arsanilic acid	do	0.01 pct	Do.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Amprolium	do	0.0125 pct	Do.
Do	Ethopabate	do	0.004 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Amprolium	do	0.0125 pct	Do.
Do	Ethopabate	do	0.004 pct	Do.
Do	Bacitracin methylene disalicylate.	do	5 to 25 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.00375 pct	Do.
IMC Chemical Group, Inc.	Zinc bacitracin	do	4 to 50 g/ton	Prevention of coccidiosis. Growth promotion and feed efficiency. Sec. 558.78.
Do	Amprolium	do	0.0125 to 0.025 pct	Do.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Zinc bacitracin	do	4 to 50 g/ton	Do.
Do	Amprolium	do	0.0125 to 0.025 pct	Do.
Do	Ethopabate	do	0.0004 pct	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 pct	Do.
Do	Zinc bacitracin	Swine	10 to 50 g/ton	Increased rate of weight gain and improved feed efficiency.
Do	Arsanilic acid	do	0.005 to 0.01 pct	Do.
Merck Sharp & Dohme Research Labs.	Amprolium	Chickens	0.0125 to 0.025 pct	Secs. 558.55 and 558.530.
Do	Ethopabate	do	0.0004 pct	Do.
Do	Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.0025 to 0.005 pct	Do.

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Pfizer, Inc	Penicillin	Chickens and turkeys.	2.4 to 25 g/ton	Sec. 510.515 of this chapter.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Do	Penicillin	Swine	5 to 25 g/ton	Do.
Do	Streptomycin	do	15 to 75 g/ton	Do.
Dow Chemical Co	Zoalene	Chickens	0.0125 pct	Sec. 558.680.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	Dol.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	Do.
Do	Zinc bacitracin	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 pct	Do.
Do	Zinc bacitracin	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	D.o
Do	Penicillin	do	2.4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 pct	Do.
Do	Penicillin	do	2.4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	Do.
Do	Arsanilic acid	do	0.01 pct	Do.
Do	Bacitracin methylene disalicylate or zinc bacitracin.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.0125 pct	Do.
Do	Arsanilic acid	do	0.01 pct	Do.
Do	Penicillin	do	2.4 to 50 g/ton	Do.
Do	Zoalene	do	0.004 to 0.0125 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Do	Zoalene	do	0.004 to 0.0125 pct	Do.
Do	3-nitro-4-hydroxyphenylarsonic acid.	do	0.005 pct	Do.
Do	Bacitracin methylene disalicylate.	do	4 to 50 g/ton	Do.
Norwich Pharmacal Co.	Furazolidone	Chickens and turkeys.	0.011 to 0.022 pct (100 to 200 g/ton).	Sec. 510.515 of this chapter.
Do	Bacitracin methylene disalicylate or—	do	4 to 50 g/ton	Do.
Do	Zinc bacitracin or Procaine penicillin.	do	2.4 to 50 g/ton	Do.
Whitmoyer Labs. Inc	Carbarsone and bacitracin.	Turkeys	Sec. 558.120	Sec. 558.120.

3. By amending § 558.55 in the table in paragraph (e)(2) by revising the entry for combinations with chlortetracycline under items (i), (ii), and (iv) as follows:

§ 558.55 Amprolium.

* * * * *

(e) * * *

(2) * * *

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitation	Sponsor
(i) 36.3 to 113.5 (0.004 pct to 0.0125 pct).				
	Chlortetracycline 100 to 200.	Replacement chickens; development of active immunity to coccidiosis; as provided in sec. 558.128, table I.	Not for laying hens; as chlortetracycline hydrochloride. Feed according to subtable in item (i).	
*	* *	*	* *	*
(ii) 72.6 to 113.5 (0.008 pct to 0.0125 pct).				
	Chlortetracycline 100 to 200.	Broiler chickens; prevention of coccidiosis caused by *E. tenella* only; as provided in sec. 558.128, table I.	Not for laying hens; as chlortetracycline hydrochloride.	
*	* *	*	* *	*
(iv) 113.5 to 227 (0.0125 pct to 0.025 pct).				
	Chlortetracycline 100 to 200.	Broiler chickens and replacement chickens where immunity to coccidiosis is not desired; as provided in sec. 558.128, table I.	Not for laying hens; as chlortetracycline hydrochloride.	
*	* *	*	* *	*

4. By amending § 558.58 in the table in paragraph (e) (1) by revising the text in item (iv) for combinations with chlortetracycline, as follows:

§ 558.58 Amprolium and ethopabate.

* * * * *

(e) * * *

(1) * * *

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* * *	*	* *	* *	*
(iv) Amprolium 113.5 to 227 (0.0125 pct to 0.625 pct) and ethopabate 3.6 (0.0004 pct).				
	Chlortetracycline 100 to 200.	For broiler and replacement chickens where immunity to coccidiosis is not desired; as provided in sec. 558.128, table I.	Not for laying hens as chlortetracycline hydrochloride.	
	Chlortetracycline 200.	do	Do.	
* * *	*	* *	*	*

* * * * * * *

5. By amending § 558.105 by revising paragraph (f) (1) (vii) as follows:

§ 558.105 Buquinolate.

* * * * *

(f) * * *

(1) * * *

(vii) *Amount per ton.* Buquinolate, 75 grams (0.00825 percent) plus chlortetracycline, 200 grams.

(*a*) *Indications for use.* As an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina;* as provided in § 558.128, Table I.

(*b*) *Limitations.* To be fed continuously for not more than the first 21 days of life; not to be fed to laying chickens.

* * * * *

6. By amending § 558.128 by revising paragraph (c) by designating the existing text as paragraph (c) (1) and adding paragraph (c) (2), and by revising paragraph (e) (3) to read as follows:

§ 558.128 Chlortetracycline.

* * * * *

(c) *Special considerations.* (1) Finished feeds containing chlortetracycline and conforming to the requirements of paragraph (e) (1), (2), and (3) of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(2) When controlling poultry disease outbreaks, feed continuously at the first clinical signs of the disease or when experience indicates the disease may be a problem. Administer for 7 through 14 days. Medication may be repeated or administered continuously during periods of exposure. The dosage ranges permitted provide for different levels based on the severity of the infection. The higher level is indicated in severe infections. Consult a poultry diagnostic laboratory or a poultry pathologist to determine the diagnosis and advice regarding the optimal level of the drug where ranges are permitted.

* * * * *

(e) * * *

(3) It is used in feeds as follows:

TABLE I.—*In complete feed*

Chlortetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) to 100 to 200		For chickens; as an aid in the control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to chlortetracycline.	Not to be fed to laying chickens at levels over 100 g/ton.	
(ii) 200		For turkeys; as an aid in the control of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline.	Do not feed to turkeys producing eggs for human consumption.	
(iii) 200 to 400		1. For ducks; control of fowl cholera caused by *Pasteurella multocida* susceptible to chlortetracycline.	Feed for not more than 21 d as sole ration. Not for ducks producing eggs for human consumption.	
		2. For chickens; as an aid in the control of chronic respiratory disease (CRD) or air-sac infection caused by *M. gallisepticum* and *Escherichia coli* susceptible to chlortetracycline.	Not to be fed to laying chickens.	

Chlortetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iv) 400		1. For turkey poults not over 4 weeks old; aid in reducing mortality due to paratyphoid caused by *Salmonella typhimurium*.	In low calcium feed containing 1 pct total calcium from calcium sulfate; as chlortetracycline hydrochloride. Do not feed to turkeys producing eggs for human consumption.	
		2. Swine; as an aid in reducing shedding of *leptospirae*; as an aid in reducing the abortion rate of breeding swine and the mortality rate of newborn pigs when leptospirosis is present.	To be fed for 14 d as sole medication; as chlortetracycline hydrochloride.	
(v) 500		1. For chickens; as an aid in the reduction of mortality due to *E. coli* infections susceptible to such treatment.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; in feed containing 0.8 pct dietary calcium; not to be fed continuously for more than 5 d; withdraw 24 h before slaughter.	
		2. For turkeys; as an aid in the control of blue comb (transmissible enteritis).	Do not feed to turkeys producing eggs for human consumption.	

TABLE II.—*In feed supplements*

Chlortetracycline	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
Milligrams per pound of body weight per day:				
(i) 0.5		For beef cattle; control of active infections of anaplasmosis.	Feed continuously; withdraw 48 h before slaughter.	
(ii) 5.0		For beef cattle; aid in the elimination of the carrier state of anaplasmosis.	Feed for 60 d; for use in the carrier state only; not to be fed within 10 d of slaughter. Labeling shall include a statement that a positive complement-fixation test at conclusion of a 60-d feeding period does not necessarily establish that anaplasmosis carrier state is still active. To positively establish that the carrier state has been eliminated, inject blood from a suspected carrier into a splenectomized (susceptible) calf.	
(iii) 10		1. For beef cattle; treatment of bacterial pneumonia and shipping fever complex caused by organisms susceptible to chlortetracycline.	Treat for not more than 2 weeks; withdraw 5 ds before slaughter.	
		2. For calves; treatment of bacterial enteritis caused by organism susceptible to chlortetracycline.	Treat in divided daily doses for not more than 5 d; withdraw 24 h before slaughter.	
		3. For sheep; treatment of bacterial enteritis and bacterial pnuemonia caused by organisms susceptible to chlortetracycline.	Treatment for enteritis should not exceed 7 d.	
Milligrams per head per day:				
(iv) 80		For sheep; aid in reducing the incidence of vibrionic abortion in breeding sheep.	Feed continuously during pregnancy.	
(v) 350	Sulfamethazine 350.	For beef cattle; aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.	Feed for 28 d; withdraw 7 d before slaughter.	

* * * * * * *

§ 558.145 [Revoked]

7. By revoking § 558.145 *Chlortetracycline, procaine penicillin, and sulfamethazine.*

§ 558.155 [Revoked]

8. By revoking § 558.115 *Chlortetracycline, procaine penicillin, and sulfathiazole.*

9. By amending § 558.175 by revising paragraph (e) (2) (ii) as follows:

§ 558.175 Clopidol.

* * * * *

(e) * * *

(2) * * *

(ii) *Amount per ton.* 113.5 grams (0.0125 percent) clopidol with 200 grams chlortetracycline.

(*a*) *Indications for use.* Aid in the prevention of cocidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. mivati,* and *E. brunetti* and as provided in § 558.128, Table I.

(b) *Limitations.* Feed continuously as sole ration from the time chicks are placed in floor pens, up to 21 days old; not to be fed to laying chickens.

10. By amending § 558.195(g)(1) by revising the entry in the table for combinations with chlortetracycline to read as follows:

§ 558.195 Decoquinate.

* * * * *

(g) * * *

(1) * * *

Decoquinate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
27.2 (0.003 percent)	Chlortetracycline 200.	Broiler chickens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. mitis*, *E. maxima*, and *E. brunetti*; and as provided in sec. 558.123, table I.	Do not feed to laying chickens; as chlortetracycline hydrochloride provided by No. 010042 in sec. 510.600(c) of this chapter.	011801

* * * * * * *

* * * * * * *

11. By amending § 558.225 in paragraph (e)(1) by revising the text regarding chlortetracycline and oxytetracycline in the table under item (iii) to read as follows:

§ 558.225 Diethylstilbestrol.

* * * * *

(e) * * *

(1) * * *

Diethylstilbestrol in milligrams per head per day	Combination in milligrams per head per day	Indications for use	Limitations	Sponsor
* * * * * * *				
(iii)	Milligrams per pound of body weight per day:			
	Chlortetracycline 0.5.	Fattening of beef cattle; control of active infections of anaplasmosis.	Beef cattle over 1,500 lb in weight; feed in not less than 1 lb of feed; withdraw 7 d before slaughter; do not feed to breeding or dairy animals.	
	Chlortetracycline 10.	Fattening of beef cattle; treatment of bacterial pneumonia and shipping fever complex caused by organisms susceptible to chlortetracycline.	Beef cattle; treat for not more than 2 weeks; withdraw 7 d before slaughter.	

* * * * * * *

§ 558.274 [Amended]

12. By amending § 558.274 *Hygromycin B* in the table in paragraph (e)(1) by deleting from items (i) and (ii) the line items "Chlortetracycline 100 to 200."

13. By amending § 558.450 by adding new paragraph (c)(3) in paragraph (e), by revising Table I, deleting Table II, and and redesignating Table III as Table II, to read as follows:

§ 558.450 Oxytetracycline.

* * * * *

(c) * * *

(3) When controlling poultry disease outbreaks, feed continuously at the first clinical signs of the disease or when experience indicates the disease may be a problem. Administer for 7 through 14 days. Medication may be repeated or administered continuously during periods of exposure. The dosage ranges permitted provide for different levels based on the severity of the infection. The higher level is indicated in severe infections. Consult a poultry diagnostic laboratory or a poultry pathologist to determine the diagnosis and advice regarding the optimal level of the drug where ranges are permitted.

* * * * *

(e) *Conditions of use.* (1) It is used as follows:

TABLE I.—*In complete chicken and turkey feed*

Oxytetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 100 to 200		1. Chickens; aid in the control of fowl cholera caused by *Pasturella multocida*.	Not for chickens producing eggs for human consumption. Withdraw 3 d before slaughter.	
		2. Chickens; aid in the control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to oxytetracycline.	do	
(ii) 200		1. Turkeys; control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to oxytetracycline.	As mono-alkyl (C-8—C-18) trimethylammonium oxytetracycline.	

Oxytetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(ii) 200		2. Chickens; prevention of avian infectious hepatitis; prevention and control of *Eimeria tenella*, cause of cecal coccidiosis.	As mono-alkyl (C-8—C-18) trimethylammonium oxytetracycline in low-calcium feed containing 0.18 pct to 0.55 pct dietary calcium; not to be fed continuously for more than 5 d; low-calcium feeds may be fed for a total of 3 5-d periods through the 1st 10 weeks of life with an interim period of 5 d between each low-calcium feeding. Not to be fed to laying chickens.	
(iii) 200-400		Chickens; prevention of complicated chronic respiratory disease (air-sac infection) and control of complicated chronic respiratory mortality and severity during outbreaks.	As mono-alkyl (C-8—C-18) trimethyl ammonium oxytetracycline.	
	Monensin 90 to 110.	Broiler chickens; for the control of complicated chronic respiratory disease (CRD or air-sac infection) caused by *Mycoplasma gallisepticum* and *Escherichia coli;* and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina E. brunetti, E. mivati,* and *E. maxima.*	Withdraw 72 h before slaughter; do not feed to laying chickens; feed continuously as sole ration; as monensin sodium.	000069
	Nequinate 18.16 (0.002 pct).	Broiler or fryer chickens; as an aid in prevention of coccidiosis caused by *E. tenella, E. nectarix, E. acervulina, E. maxima, E. brunetti* and *E. mivati.* For control of complicated chronic respiratory disease (air-sac infections), infectious synovitis, and treatment of blue comb (nonspecific infectious enteritis).	As mono-alkyl C-8—C-18 trimethyl ammonium oxytetracycline.	
(iv) 500		1. Broiler chickens; as an aid in the reduction of mortality due to air-sacculitis (air-sac infection) caused by *Escherichia coli* sensitive to oxytetracycline.	Feed for 5 d as sole ration; treat at first clinical signs of disease; do not feed to laying hens; withdraw 24 h before slaughter.	000069
		2. Turkeys; as an aid in the control of bluecomb (transmissible enteritis).		

* * * * * * *

14. By amending § 558.515 by revising paragraph (f)(1) (iii) and (iv) as follows:

§ 558.515 Robenidine hydrochloride.

* * * * *

(f) * * *

(1) * * *

(iii) *Amount per ton.* Robenidine hydrochloride, 30 grams (0.0033 percent) plus chlortetracycline 100 to 200 grams.

(*a*) *Indications for use.* As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima, and E. necatrix;* as an aid in the control of infectious synovitis caused by *Mycoplasma synovia* susceptible to chlortetracycline.

(b) *Limitations.* For broiler or fryer chickens only; withdraw 5 days before slaughter; do not feed to layers; feed continuously as sole ration; as chlortetracycline hydrochloride provided by No. 010042, § 510.600(c) of this chapter.

(iv) *Amount per ton.* Robenidine hydrochloride 30 grams (0.0033 percent) plus chlortetracycline 200 to 400 grams.

(*a*) *Indications for use.* As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima* and *E. necatrix;* as an aid in the control of chronic respiratory disease (CRD) or air-sac infection caused by *Mycoplasma gallisepticum,* and *Escherichia coli* susceptible to chlortetracycline.

(*b*) *Limitations.* Withdraw 5 days before slaughter; do not feed to layers; feed continuously as sole ration; as chlortetracycline hydrochloride provided by No. 010042, § 510.600(c) of this chapter.

* * * * *

14. By amending § 558.680(e)(1) by revising the text in items (i) and (ii) of the table for combinations with chlortetracycline, as follows:

§ 558.680 Zoalene.

* * * * *

(e) * * *

(1) * * *

Zoalene in grams grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 36.3 to 113.5 (0.004 pct to 0.0125 pct).				
	Chlortetracycline 100 to 200.	Replacement chickens; as an aid in the control of infectious synovitis caused by *Mycoplasma synoria* susceptible to chlortetracycline; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; in complete feed only; grower ration not to be fed to birds 14 weeks old; as follows—	
			Growing conditions / Starter ration (Grams per ton) / Grower ration (Grams per ton) Severe exposure / 113.5 (0.0125 pct) / 75.4-113.5 (0.0083 pct-0.0125 pct) Light to moderate exposure. / 75.4-113.5 (0.0083 pct-0.0125 pct) / 36.2-75.4 (0.004 pct-0.0083 pct)	
	Chlortetracycline 200.	Replacement chickens; as an aid in the control of chronic respiratory disease (CRD) or air sac infection caused by *M. gallisepticum* and *Escherichia coli* susceptible to chlortetracycline; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; in complete feed only; (grower ration not to be fed to birds over 14 weeks old; as follows—	
			Growing conditions / Starter ration (Grams per ton) / Grower ration (Grams per ton) Severe exposure / 113.5 (0.0125 pct) / 75.4-113.5 (0.0083 pct-0.0125 pct) Light to moderate / 75.4-113.5 (0.0083 pct-0.0125 pct) / 36.2-74.5 (0.004 pct-0.0083 pct)	
(ii) 113.5 (0.0125 pct)				
	Chlortetracycline 200.	Broiler chickens; as an aid in the control of chronic respiratory disease (CRD) or air-sac infection caused by *Mycoplasma gallisepticum* and *Escherichia coli* susceptible to chlortetracycline; prevention and control of coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.	
*	*	*	*	*	*	*

Interested persons may, on or before January 19, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: October 14, 1977.

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

[FR Doc.77-30563 Filed 10-17-77;3:08 pm]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N-0316]

PFIZER, INC., ET AL.

Tetracycline (Chlortetracycline and Oxytetracycline)-Containing Premixes; Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This is a notice of opportunity for a hearing on the proposal by the Director of the Bureau of Veterinary Medicine to withdraw approval of new animal drug applications (NADA's) for tetracycline (chlortetracycline and oxytetracycline)-containing premixes intended for certain uses in animal feed on the grounds that (1) new evidence shows that the tetracycline-containing products have not been shown to be safe for widespread subtherapeutic use as required by section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(B)) and § 558.15 (21 CFR 558.15); (2) certain applicants have failed to establish and maintain records and make reports as required by section 512(e)(2)(A) of the act (21 U.S.C. 360b(e)(2(A)) and § 558.15; and (3) new evidence shows that there is a lack of substantial evidence that tetracycline-containing premixes are effective for certain subtreapeutic uses under section 512(e)(1)(C) of the act (21 U.S.C. 360b(e)(1)(C)).

DATES: Written appearances requesting a hearing must be submitted by November 21, 1977; data and analysis upon which a request for a hearing replies must be submitted by January 19, 1978.

ADDRESS: Written appearances and data and analysis to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Gerald B. Guest, Bureau of Veterinary Medicine (HFV-100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION:

Related Actions

In a notice published elsewhere in this issue of the Federal Register, the Director of the Bureau of Veterinary Medicine is proposing to delete certain provisions that provide for the subtherapeutic use of tetracycline (chlortetracycline and oxytetracycline) in animal feeds by amending § 510.515, Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act (21 CFR 510.515); § 558.15, Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals (21 CFR 558.15); § 558.55, Amprolium (21 CFR 558.55); § 558.58, Amprolium and ethopabate (21 CFR 558.58); § 558.105, Buquinolate (21 CFR 558.105); § 558.128, Chlortetracycline (21 CFR 558.128); § 558.145, Chlortetracycline, procaine penicillin, and sulfamethazine (21 CFR 558.145); § 558.155, Chloretracycline, procaine pencillin, and sulfathiazole (21 CFR 558.155); § 558.175, Clopidol (21 CFR 558.175); § 558.195, Decoquinate (21 CFR 558.195); § 558.225, Diethylstilbestrol (21 CFR 558.225); § 558.274, Hygromycin B (21 CFR 558.274); § 558.450, Oxytetracycline (21 CFR 558.450); § 558.515, Robenidine hydrochloride (21 CFR 558.515); and § 558.680, Zoalene (21 CFR 558.680).

Discussion

Since the Director's discussion of the issues involved in this matter is necessarily detailed, he is setting forth, for the reader's convenience, an outline of the discussion as follows:

I. The Drugs

II. Introduction

A. Regulatory Background.
B. Safety Concerns.

III. Summary of the Argument

IV. Studies Relevant to Human and Animal Health Safety Criteria

A. Transfer of Drug Resistance (Criterion 1); The Pool of R-Plasmid-Bearing Organisms Is Increasing.
1. Background.
2. Criterion.
3. Studies relevant to transfer of Drug Resistance.
(a) R-plasmid-bearing *E. coli* develop in domestic animals that are fed subtherapeutic levels of antibiotics, including tetracycline.
(b) *E. coli* contribute their R-plasmids to man through several mechanisms.
(i) Direct contact with animals.
(ii) Contact with *E. coli*-contaminated food.
(iii) Widespread presence in the environment.
(c) R-plasmid-bearing human and animal strains of bacteria overlap.
(i) Epidemiological investigations—*E. coli* serotyping.
(ii) Direct ingestion evidence.
(iii) In vivo studies show that R-plasmids transfer from *E. coli* to pathogens.
(iv) R-plasmid compatibility studies.
(v) Hazards.
4. Director's conclusions.
B. Shedding and Resistance Characteristics of *Salmonella* (Criterion 2).
1. Background.
2. Criterion.
(a) Shedding.
(b) Resistance characteristics.
3. Industry studies in chickens on the effects of subtherapeutic tetracycline use in animal feed.
(a) American Cyanamid Co.
(i) Experimental design.
(ii) Summary.
(iii) Director's analysis.
(b) Rachelle Laboratories, Inc.
(i) Experimental design.
(ii) Summary and the Director's analysis.
(c) Pfizer, Inc.
(i) Experimental design.
(ii) Summary.
(iii) Director's analysis.
(d) Director's conclusions.
4. Industry studies in swine on the effects of subtherapeutic tetracycline use in animal feed.
(a) Tetracycline alone.
(i) Experimental design.
(ii) Summary and the Director's analysis.
(b) Tetracycline in combination with sulfonamides and penicillin.
(i) Experimental design.
(ii) Summary and the Director's analysis.
(c) Director's conclusions.
5. Industry studies in cattle on the effects of subtherapeutic tetracycline use in animal feed.
(a) Studies of tetracycline and tetracycline combinations in cattle and calves.
(i) Experimental design.
(ii) Summary.
(iii) Director's analysis.
(b) Director's conclusions.
6. Information from other studies relating to *Salmonella* and *E. coli* antibiotic resistance.
(a) Surveys.
(i) Neu, Cherubin, Longo, Flouten, and Winter studies.
(ii) CDC reports.
(iii) American Cyanamid survey.
(iv) Other surveys—of *Salmonella* resistance.
(b) Feeding studies.
(i) Chickens.
(ii) Swine.
(iii) Cattle.
(c) Director's analysis.
7. Director's conclusions.
C. Compromise of Therapy (Criterion 2(c)).
1. Background and criterion.
2. Questions raised by FDA-funded research and literature studies.
(a) Experimental design.
(b) Director's analysis.
3. Compromise of therapy studies in chickens.
(a) Pfizer study.
(b) American Cyanamid study.
4. Compromise of therapy studies in swine.
(a) Diamond Shamrock Study No. 1.
(b) Diamond Shamrock Study No. 2.
(c) Pfizer study.
(d) American Cyanamid study.
5. Compromise of therapy study in cattle.
(a) Diamond Shamrock study.
(b) Pfizer study.
(c) American Cyanamid study.
6. Director's conclusions.
7. Optimal level of effectiveness (Animal Health Criterion 4).
D. Pathogenicity (Criterion 3).
1. Background and Criterion.
2. Walton study.
3. Falkow study.
(a) In vitro transfer.
(b) In vivo transfer.
4. Questions raised by other studies.
5. Director's conclusions.
E. Tissue Residues (Criterion 4).
1. The criterion.
2. Background.
3. American Cyanamid study.
(a) Experimental design.
(b) Summary.
(c) Director's analysis.
4. Literature survey.
5. Director's conclusions.

V. Effectiveness

A. Oxytetracycline.
B. Chlortetracycline.
1. Roche Premixes.
2. American Cyanamid and Napco premixes.
3. American Cyanamid's chlortetracycline and vitamin products.
4. Ralston Purina premix.
C. Director's conclusions.

VI. CONCLUSION

I. THE DRUGS

The generic names are chlortetracycline as chlortetracycline hydrochloride, and oxytetracycline as the mono-alkyl-trimethyl-ammonium salt.

The dosage form is feed premix.

The following companies hold or have effective approvals for premixes which contain chlortetracycline or oxytetracycline and are subject to the provisions of this notice:

NADA—8-696; TM-5 Antibiotic Feed Supplement (Oxytetracycline), Pfizer, Inc., 235 E. 42d St., New York, N.Y. 10017.

NADA 8-804; TM-10; Terramycin Animal Mix; Terramix-10 (oxytetracycline), Pfizer, Inc.

NADA 9-770; Stilbestrol-Oxytet Premix (diethylstilbestrol and oxytetracycline), Pfizer, Inc.

NADA 11-661; Tran-Q Plus Terramycin Premix (oxytetracycline and hydroxyzine hydrochloride), Pfizer, Inc.

NADA 13-470; TM-10 Premix (oxytetracycline), Pfizer, Inc.

NADA 35-017; DES Premix (diethylstilbestrol and chlortetracycline), Thompson-Hayward Chemical Co. P.O. Box 2383, Kansas City, Kans. 66110.

NADA 35-688; AUREO SP-250 (chlortetracycline, sulfamethazine, penicillin), American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540.

NADA 36-361; AMPROL PLUS WITH CTC (amprolium, ethopabate, chlortetracycline), American Cyanamid Co.

NADA 36-554; Custom Beef Premix No. 6 (diethylstilbestrol and oxytetracycline), Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, Mo. 64502.

NADA 37-541; Falstaff Beef Fortifier B (diethylstilbestrol and chlortetracycline), National Oats Co., East St. Louis, Mo. 62205.

NADA 38-509; Vitality Freedlot Premix (diethylstilbestrol and chlortetracycline), Texas Nutrition & Service Co., Fort Worth, Tex. 76108.

NADA 39-077; CSP-250 (chlortetracycline, sulfathiazole, penicillin), Diamond Shamrock Chemical Corp., Nutrition & Animal Health Div., 1100 Superior Ave., Cleveland, Ohio 44114.

NADA 44-795; Custom Beef Fortifier B (diethylstilbestrol and chlortetracycline), Falstaff Brewing Corp.

NADA 46-699; Nopco CTC 4/SS (chlortetracycline, sodium sulfate), Diamond Shamrock Chemical Co.; Nopoco CTC 6.66/SS (chlortetracycline, sodium sulfate), Diamond Shamrock Chemical Co.; Nopco CTC 10, 25, 50, 100 (chlortetracycline), Diamond Shamrock Chemical Co.

NADA 48-760; Deravet (chlortetracycline), American Cyanamid Co.

NADA 48-761; Aueromycin Feed Premixes (chlortetracycline), American Cyanamid Co.

NADA 48-762; Aureomycin Crumbles with Vitamins (chlortetracycline), American Cyanamid Co.

NADA 48-763; Aureomycin Premix (chlortetracycline), American Cyanamid Co.

NADA 49-181; Spence Special Swine Premix; ARK-LA Special Swine Premix (chlortetracycline), Hoffman-La Roche, Inc., Nutley, N.J. 07110.

NADA 49-287; CTC Premix (chlortetracycline, Rachelle Laboratories, Inc., 700 Henry Ford Ave., P.O. Box 2029, Long Beach, Calif. 90801.

NADA 65-005; Klortet 10; Klortet 50 (chlortetracycline), Dawes Laboratories, Inc., 450 State St., Chicago Heights, Ill. 60411.

NADA 65-020; Micro CTC 100 (chlortetracycline), Diamond Shamrock Chemical Co.

NADA 65-052; NOPCO CTC-50 (chlortetracycline), Diamond Shamrock Chemical Co.

NADA 65-338; CTC Feed Grade (chlortetracycline), Cortex Chemicals S.P.A.

NADA 91-668; Chlorachel 250; Super Chlorachel 250 (chloretracycline, sulfamethazine, penicillin), Rachelle Laboratories, Inc.

DESI 0-035; Purina Aurcomycin Etts Medicated (chlortetracycline), Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

Under section 108(b)(2) of the Animal Drug Amendments of 1968 (Pub. L. 90-399), any approval of a new animal drug granted prior to the effective date of the amendments, whether through approval of a new drug application, master file, antibiotic regulation, or food additive regulation continues in effect until withdrawn in accordance with the provisions of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b). Many such approvals were issued long ago, and some may never have been used by the holder of the approval. Consequently, the current files of the Food and Drug Administration (FDA) may be incomplete and may fail to reflect the existence of some approvals. Also, many approvals have been withdrawn by other agency actions, e.g., FDA's rule making procedure published in the FEDERAL REGISTER of February 25, 1976 (41 FR 8282). The burden of coming forward with documentation of unrecorded approvals in such circumstances is therefore properly placed on the person claiming to hold such approvals so as to permit definitive revocation or amendment of the regulations.

The Director of the Bureau of Veterinary Medicine knows of no approvals affected by this notice other than those named herein. Any person who intends to assert or rely on such an approval that is not listed in this notice shall submit proof of its existence within the period allowed by this notice for opportunity to request a hearing. The failure of any person holding such an approval to submit proof of its existence within that period shall constitute a waiver of any right to assert or rely on it. In the event that proof of the exitence of such an approval is presented, this notice shall also constitute a notice of opportunity for hearing with respect to that approval, based on the same grounds set forth in this notice.

II. INTRODUCTION

A. REGULATORY BACKGROUND

Antibacterial drugs have been used at subtherapeutic levels (lower levels than therapeutic levels needed to cure disease) in animal feed for over 25 years. Growth benefits from this use were first observed when animals were fed the discard products from the fermentation process that was originally used in the manufacture of chloretetracycline. The precise mechanism of action, however, remains unclear.

Initially, certain antibiotics for use in animal feed, e.g., chlortetracycline, were regulated under the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357). Unlike the basic private licensing system applicable to new drugs, the provisions of section 507 of the act created a public regulation or monograph system for regulating these products, in part because of the complexities in manufacturing the products and the lack of knowledge of their chemical structures. Antibiotic residues in food from food-producing animals were then regulated under the provisions of the act dealing with adulteration and misbranding. After enactment of the Food Additives Amendment of 1958 (Pub. L. 85-929), however, residues were principally regulated by section 409 of the act (21 U.S.C. 348), which also established a public monograph system of premarket approval. Under the antibiotic monograph procedure, the pioneer manufacturer generated and submitted the basic safety and effectiveness data in an FD Form 5 (now FD-1675). A regulation was subsequently published setting forth the standards of identity, strength, quality, and purity, and the packaging and labeling requirements that the product must meet. The Food and Drug Administration approval of the same product made by another manufacturer was then conditioned solely upon a demonstration that it met the requirements of the regulation, and this is normally accomplished by batch certification. Section 507(c) of the act (21 U.S.C. 357(c)), however, permits the agency to exempt by regulation any drug or class of drugs from the certification requirement when he concludes that certification is unnecessary for the manufacture of the drugs. Antibiotics for use in animal feeds as feed ingredients were exempted from the certification requirements in 1951 (see the FEDERAL REGISTER of April 28, 1951 (16 FR 3647)), and those for use as drugs were exempted in 1953 (see the FEDERAL REGISTER of April 22, 1953 (18 FR 2335)). These are now set forth in §§ 510.510 and 510.515 (21 CFR 510.510 and 510.515).

Congress enacted the Animal Drug Amendments of 1968 (Pub. L. 90-399) and consolidated the provisions of the act dealing with the premarket approval of drugs intended for use in animals (sections 409, 505, and 507) into one new section, 512 (21 U.S.C. 360b), to regulate these articles more efficiently and effectively (Senate Committee on Labor and Public Welfare, Animal Drug Amendments of 1968, S. Rep. No. 1308, 90th Cong., 2d Sess. (1968)). This legislation also brought the manufacture of antibiotics under the private license system for new drugs (id; Hearing on S. 1600 and H.R. 3639 before the Subcommittee on Health of the Senate Committee on Labor and Public Welfare, 90th Cong., 2d Sess. (1968)). To efficiently accomplish this change, the amendments contained a transition clause (section 108(b)) which provided that all prior approvals continue in effect and be subject to change in accordance with the provisions of the basic act as amended. In summary, all persons legally marketing antibiotics under the provisions of sections 409, 505, and 507 of that act on

August 1, 1969, the effective date of the Animal Drug Amendments of 1968, were considered as holding the equivalent of an approved new animal drug application; however, all holders of such approvals are also subject to all applicable requirements of the act and regulations.

B. SAFETY CONCERNS

In the mid-1960's, FDA became concerned about the safety to man and animals of subtherapeutic antibiotic use; it studied the effects of low-level subtherapeutic feeding of antibiotics for some years. The agency supported research, held symposia, and consulted with outside experts to review these nonmedical uses of antibiotics in animal feeds. Following a report issued by the British Government Joint Committee (the Swann Committee) "On the Use of Antibiotics in Animal Husbandry and Veterinary Medicine," the Commissioner of Food and Drugs in April 1970 established a task force of scientists, with consultants from government, universities, and industry, to review comprehensively the use of antibiotic drugs in animal feeds. Its conclusions were published in a notice of proposed rulemaking published in the FEDERAL REGISTER of February 1, 1972 (37 FR 2444), which initiated the mandatory testing procedure to resolve conclusively the issues of safety surrounding the subtherapeutic use of antibiotics in animal feeds.

The principal conclusions of the task force were the following:

(1) The use of antibiotics and sulfonamide drugs, especially in growth promotant and subtherapeutic amounts, favors the selection and development of single and multiple antibiotic-resistant and R-plasmid-bearing bacteria.

(2) Animals that have received either subtherapeutic and/or therapeutic amounts of antibiotic and sulfonamide drugs in feeds may serve as a reservoir of antibiotic-resistant pathogens and nonpathogens. These reservoirs of pathogens can produce human infections.

(3) The prevalance of multiresistant R-plasmid-bearing pathogenic and nonpathogenic bacteria in animals has increased and has been related to the use of antibiotics and sulfonamide drugs.

(4) Organisms resistant to antibacterial agents have been found on meat and meat products.

(5) There has been an increase in the prevalence of antibiotic- and sulfonamide-resistant bacteria in man.

In its report to the Commissioner, the task force also identified three areas of primary concern: human health hazards, animal halth hazards, and antibiotic effectiveness; guidelines were established to show whether use of any antibiotic or antibacterial agent in animal feed presents a hazard to human and animal health.

The February 1972 proposal also announced that all currently approved subtherapeutic uses of antibiotics, nitrofurans, and sulfonamides in animal feeds would be revoked unless data were submitted to resolve conclusively the issues concerning safety to man and animals in accordance with the task force guidelines. That notice also proposed to establish a time table for filing commitments, conducting studies, and submitting relevant data and information. Based on the guidelines, the agency then began developing specific criteria by which the safety and effectiveness of each antibiotic product might be established. The notice further suggested that protocols be submitted to the agency for comment. The criteria and studies to address them may be summarized as follows:

HUMAN AND ANIMAL HEALTH SAFETY CRITERIA

1. Transfer of drug resistance: (a) An antibacterial drug fed at subtherapeutic levels to animals must be shown not to promote increased resistance to antibacterials used in human medicine. Specifically, increased multiple resistance capable of being transferred to other bacteria in animals or man should not occur. (b) If increased transferable multiple resistance is found in coliforms, studies may be done to show whether this resistance is transferable to man.

2. The *Salmonella* reservoir: The use of antibacterial drugs at subtherapeutic levels in animal feed must be shown not to result in (a) an increase in quantity, prevalence or duration of shedding of *Salmonella* in medicated animals as compared to nonmedicated controls; (b) an increase in the number of antibiotic resistant *Salmonella* or in the spectrum of antibiotic resistance; (c) disease (caused by *Salmonella* or other organisms) that is more difficult to treat with either the same medicated or other drugs.

3. The use of subtherapeutic levels of an antibacterial drug should not enhance the pathogenicity of bacteria, e.g., by increasing enterotoxin production. The association of toxin production characteristics with transfer factors must be investigated in well-designed studies. (Final resolution of this question was not expected within the 2-year period. Drug sponsors were expected to show evidence of work underway which would lead toward answers to this question.)

4. An antibacterial drug used at subtherapeutical levels in the feed of animals shall not result in residues in food ingested which may cause either increased numbers of pathogenic bacteria or an increase in the resistance of pathogens to antibacterial agents used in human medicine. Hypersensitivity to residues was to be addressed by a literature survey.

The Commissioner promulgated a final order that was published in the FEDERAL REGISTER of April 20, 1973 (38 FR 9811), and at that time the requirements imposed by the regulation became legally binding on all firms marketing antibacterial drugs used at subtherapeutic levels in feed. In the FEDERAL REGISTER of August 6, 1974 (39 FR 2839), the Commissioner proposed withdrawal of all approvals held by persons who had not complied with the initial requirements, and all these approvals were withdrawn by his order, published in the FEDERAL REGISTER of February 25, 1976 (41 FR 8282). Therefore, only those products listed in Part 558 (21 CFR Part 558) can be legally marketed at this time.

By April 20, 1974, the Bureau of Veterinary Medicine had begun a review of the data required by § 558.15 which was applicable to the principal antibiotics used subtherapeutically in animal feeds (penicillin and tetracycline), and by April 20, 1975, data concerning the safety and efficacy criteria for all antibiotic and sulfonamide drugs had been received. To assist the Bureau, the Commissioner asked the agency's National Advisory Food and Drug Committee (NAFDC) to review the data and issues involved and to make recommendations to him on the future uses of subtherapeutic antibiotics in animal feeds. A subcommittee of three members, the Antibiotics in Animal Feeds Subcommittee (AAFS), was appointed to work in conjunction with four expert consultants from disciplines related to the issue.

The Bureau prepared 2 days' presentations concerning the tetracycline during which comments were heard from the drug industry, animal scientists, and other interested parties. (Chlortetracycline, oxytetracycline, and tetracycline have the same basic chemical structure and mechanism of action. Historically, FDA has treated these drugs similarly, and is treating them identically in this matter because there is no scientific basis for dealing with them otherwise.) The Bureau also prepared a comprehensive summary report with tentative recommendations for the subcommittee. (An identical procedure was carried out for the penicillin.) Two additional meetings were held during which subcommittee deliberations were conducted and other statements given.

In September 1976, the AAFS presented its preliminary recommendations concerning the continued subtherapeutic use of the tetracyclines to the NAFDC, and in January 1977, the subcommittee's final report was submitted to the NAFDC. For tetracyclines, the subcommittee recommended that FDA (1) discontinue their use for growth promotion and/or feed efficiency in all animal species for which effective substitutes are available, (2) permit their use for disease control where effective alternate drugs are unavailable (the approved use should be limited to the extent possible, to those periods of time for which the presence of the drug in the feed of a particular animal species is necessary due to the threat of animal disease), and (3) control the distribution of the tetracyclines (and penicillin) through FD Form 1800's and a veterinarian's order to restrict their use.

The NAFDC rejected the first two recommendations. Instead, it recommended that FDA make no changes in the permitted uses of chlortetracycline and oxytetracycline in animal feed. The committee did adopt the subcommittee's recommendation that the addition of the tetracycline in feeds be restricted.

The Food and Drug Administration carefully considered the recommendations of the NAFDC, the Subcommittee, and the Bureau of Veterinary Medicine. On the basis of this information, the Director of the Bureau of Veterinary Medicine is proposing to withdraw approval of the subtherapeutic use of tetracyclines in animal feeds except for those conditions of use for which there are no safe

and effective substitutes. The Director is also incorporating the conclusion of the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group pertaining to the effectiveness of the tetracycline for subtherapeutic use; he accordingly is proposing to withdraw approval of all such claims for tetracycline use in animal feed that he concludes lack substantial evidence of effectiveness. Therefore the Director is proposing to withdraw approval of all subtherapeutic tetracycline in animal feed except for the following:

(1) Oxytetracycline, as an aid in the control of fowl cholera caused by *Pasteurella multocida* in chickens and infectious synovitis caused by *Mycoplasma synoviae* in chickens and turkeys; (2) chlortetracycline (a) as an aid in the maintenance of weight gains in the presence of respiratory diseases, such as shipping fever, in combination with sulfamethazine in beef cattle, (b) as an aid in the control of infectious synovitis caused by *M. pasteurella* in chickens and turkeys, (c) for the control of active infections of anaplamosis in beef cattle (d) as an aid in reducing the incidence of virbrionic abortion in breeding sheep.

III. SUMMARY OF THE ARGUMENT

Soon after the discovery of penicillin, Sir Arthur Fleming noted that some bacterial organisms could become resistant to the antibiotic. As the use of antibiotics has increased, the number and types of bacterial resistance have also multiplied. There is a serious concern that, in time, this will lead to declining usefulness of antibiotics in the treatment of both human and animal diseases.

The Bureau's primary concern is with that portion of increased bacterial antibiotic resistance which may result from the widespread practice of using subtherapeutic levels of the tetracyclines and other antibiotics in animal feed for prolonged periods. This practice, which sometimes produces increases in growth promotion/feed efficiency, provides an ideal environment for selective pressure to operate. When exposed to an antibiotic, the organisms that are drug resistant survive while the growth of other (drug-sensitive) bacteria is inhibited. Eventually, the antibiotic-resistant organisms predominate in the bacterial population, and continuous antibiotic pressure perpetuates this abnormal situation.

Bacterial antibiotic resistance is primarily determined by genetic elements termed "R-plasmids" (R-factors, R+). The Bureau's specific concern, therefore, is with the health hazards that may arise through an increase in the pool of R-plasmids in the animal population and the potential transfer of these R-plasmids and R-plasmid-bearing organisms to the human population and surrounding environment.

R-plasmids are small lengths of DNA that are separate from the bacterial chromosome. These R-plasmids carry transferable genes for drug resistance as well as the capacity to reproduce themselves. Plasmids may determine resistance to more than one antibiotic, and resistance to several antibiotics is common. Moreover, plasmids can transfer from one bacteria to another and from nonpathogenic to pathogenic strains. Transfer occurs, although with varying frequency, among all members of the enteric bacteria and also to members of other families of bacteria. The normal Gram-negative bacterial intestinal flora (largely *Escherichia coli*) serves as a reservoir of R-plasmids; the R-plasmid-bearing bacteria interchange among animals, man, and the environment. The potential for harm increases as the R-plasmid reservoir increases because the probability of R-plasmid transfer to pathogens increases. When the Commissioner required all holders of approved NADA's for the subtherapeutic use of the tetracyclines in animal feed to submit data to resolve the safety questions raised, he was principally concerned with the effect of the antibiotics approved for subtherapeutic use in animal feed on the emergence of transferable drug resistance in the *Salmonella* reservoirs and the *E. coli* of animals. In the Director's opinion, the results of the studies submitted and the data available are clear—the affected parties have failed to show that extensive subtherapeutic use of the tetracyclines is safe.

Evidence demonstrates that the use of subtherapeutic levels of the tetracyclines and other antibiotics in animal feed contributes to the increase in antibiotic-resistant *E. coli* and in the subsequent transfer of this resistance to *Salmonella*. Further, some strains of *E. coli* and *Salmonella* infect both man and animals.

The holders of approved NADA's have submitted no evidence to demonstrate that the observed strains *E. coli* and *Salmonella* in man and animals are mutually exclusive; in fact, there is evidence to the contrary. Furthermore, in some cases the R-plasmids as well as the resistance genes from humans and animal sources are indistinguishable. Thus, the potential for harm exists, as illustrated by the studies submitted and verified by evidence from studies conducted by independent scientists.

The holders of approved NADA's were also required to submit studies demonstrating that the subtherapeutic use of the tetracycline in animal feed would not compromise subsequent antibiotic therapy in man or animals, but animal studies submitted to determine whether subtherapeutic tetracycline use compromised subsequent therapy with related drugs were inconclusive because the studies were inappropriate.

Additionally, the NADA holders were required to prove that the subtherapeutic use of the tetracyclines would not increase the pathogenicity of the infecting organism. They have submitted no adequate studies on the issue, and other recent evidence now suggests that the genetic determinants for toxin production may become linked with drug resistance genes.

Also the sponsors have failed to establish tissue no-effect levels for the development of transmissible R-plasmid resistance, although heating may inactivate the residues.

Finally, the NAS/NRC Drug Efficacy Study Group evaluated the effectiveness claims for the tetracycline premixes and concluded that there was a lack of substantial evidence that the premixes were effective for many of their subtherapeutic labeling claims.

For all the foregoing reasons, the Director is proposing to withdraw approval of certain NADA's for the subtherapeutic use of tetracycline and tetracycline combination products (e.g., chlorotetracycline-sulfamethazine-penicillin, in animal feed), because they have not been shown to be safe or lack substantial evidence of effectiveness.

IV. STUDIES RELEVANT TO HUMAN AND ANIMAL HEALTH SAFETY CRITERIA

A. TRANSFER OF DRUG RESISTANCE (CRITERION 1); THE POOL OF R-PLASMID-BEARING ORGANISMS IS INCREASING

1. *Background.* One of the most important animal and human health safety criteria (number 1., set forth in II.B. above) concerns the role of subtherapeutic antibiotic use in the selection for an increase in the pool of microbial plasmids determining multiple drug resistance, and in the transfer of these plasmids among bacteria in animals and man. Resistance to antibiotics has been known as long as the antibiotics themselves have been known. Until 1959, it was believed that antibiotic resistance was a result of chance mutation and natural selection alone. However, in 1959, Japanese investigators (Ref. 1) discovered that resistance to several common antimicrobial agents could be transferred simultaneously from one bacterium to another by cell-to-cell contact (conjugation). This was shown to be due to the transfer of extrachromosomal resistance determinants called "R-plasmids," i.e., R—factors, or R+. Resistance produced by R-plasmids frequently involves the production of enzymes that inactivate the antibiotic. For example, R-plasmid-mediated penicillin resistance is due to the production of an enzyme, penicillinase, that inactivates the penicillin molecule. This same enzyme is also active against many semisynthetic penicillins, including ampicillin. R-plasmids are extrachromosomal genetic elements (DNA molecules) that may carry as many as nine drug resistance genes. The plasmids also carry other genes that determine the R-plasmid's replication, independent of the host chromosome, as well as information for transfer of the R-plasmids from one bacterium to another by conjugation. R-plasmids are transferred by conjugation to virtually all enterobacteriaceae as well as to such unrelated Gram-negative bacteria as *Vibrio, Pseudomonas,* and *Pasteurella*. Thus, resistance may pass from strain to strain, species to species, and most importantly, from nonpathogen to pathogen. R-plasmids are now known to be the predominant cause of antibiotic resistance in

Gram-negative organisms that cause human disease, e.g., *E. coli, Salmonella, Shigella*, etc.

While the development of antibiotics revolutionized the treatment of infectious disease in both man and animals, the magnitude of this achievement has been diminished by the widespread emergence of antibiotic-resistant bacteria. R-plasmid-mediated resistance is particularly ominous since selection of resistance to a single antibiotic may also lead to the simultaneous selection of resistance to a wide spectrum of other antibiotics. In recent years, antibiotic resistance has emerged in important pathogens; for example, in *Haemophilus influenzae, Neisseria gonorrhoeae, Salmonella typhi*, and *Shigella dysenteriae*. R-plasmid-mediated resistance has been identified in epidemics around the world, e.g., *Salmonella typhimurium*. Some of these organisms have acquired both ampicillin and chloramphenicol resistance, resulting in disease that will no longer respond to therapy. Hence, drug-resistant organisms have become an important concern in both human and veterinary medicine (Refs. 2 and 3).

Because the use of antibiotics is extensive, an effort must be made to assure the future utility of these lifesaving products. In 1960, the annual production of antibiotics in the United States was 4.16 million pounds, of which 2.96 million pounds were used for therapeutic purposes in human and veterinary medicine and 1.20 million pounds in animal feed additives. By 1970, 9.6 million pounds were being used for human and veterinary medicine pharmaceuticals; while 7.3 million pounds were being used for animal feed additives. Moreover, according to "Synthetic Organic Chemicals, United States Production and Sales (1971–1975)" (U.S. International Trade Commission Publication 804), the 5-year average production for 1971 through 1975 was 11.16 million pounds for medicinal uses and 7.68 million pounds for nonmedicinal uses, including feed additive uses. Over those 5 years, the aggregate average of the total production for nonmedicinal uses was 40.8 percent, but 48.6 percent in 1975. Thus, the use of antibiotics in animal feeds is a considerable element in the overall use of antibiotics in this country and consequently must be considered a potentially significant contributor to the resistance problem.

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1. Watanabe, R., "Infective Heredity of Multiple Drug Resistance in Bacteria," Bacteriological reviews, 27:87–115, 1963.

2. Simmons, H. and P. D. Stolley, "This is Medical Progress?" Journal of the American Medical Association, 222:1023–1028, 1974.

3. Linton, A. H., "Antibiotic Resistance: The Present Situation Reviewed," Veterinary Record, 100:354–360, 1977.

2. *Criterion*. The FDA task force concluded that a human health hazard exists if the subtherapeutic use of antibiotics in animal feeds leads to an increase in R-plasmid-bearing organisms, if these antibiotics used subtherapeutically are also used in human clinical medicine, and if R-plasmids subsequently appear in bacteria in man. It was the intent of the task force as well as the intent of § 558.15 to reduce the total load of resistant organisms in the environment and to insure the effectiveness of antibiotics in the treatment of disease in man and animals. Accordingly, § 558.15 required that an antibacterial drug fed to animals shall not promote an increase of coliforms that are resistant to antibacterial drugs used in human clinical medicine and capable of transferring this resistance to bacteria indigenous to the intestinal tract of man. Studies must be undertaken to assess the occurrence and significance of these events:

a. Controlled studies shall be undertaken to determine whether or not the administration of an antibacterial drug at low and/or intermediate levels to target animals results in an increase in the numbers of coliforms bearing R-plasmids present in the intestinal tract of the animal or a change in the resistance spectrum of these organisms compared to those found in controls receiving no antibacterial drug. The resistance spectrum must be determined to ascertain whether or not there are determinants present for resistance to antibacterial drugs used in human clinical medicine.

b. If the resistance determinants indicated in paragraph a above are found, a sponsor may elect to conduct additional studies to determine if such multiple drug resistance is transferable to the indigenous coliforms in the intestinal tract of man.

3. *Studies relevant to transfer of drug resistance*—(a) *R-plasmid-bearing E. coli develop in domestic animals fed subtherapeutic levels of antibiotics, including tetracycline*. Many investigators have reported the presence of R-plasmid-bearing *E. coli* in domestic animals, and the effect of antibiotic-supplemented feed in increasing the number of antibiotic-resistant organisms has been extensively documented. Mercer et al. (Ref. 1) showed that 80 percent of the bacterial isolates from animals exposed to tetracycline and other antibiotics in feed were antibiotic resistant, while only 21.9 percent of isolates obtained from unexposed animals were resistant. Seigel et al. (Ref. 2) and Smith and Tucker (Ref. 3) as well as others have also shown that the addition of tetracyclines to feed at subtherapeutic levels causes an increase in the R-plasmit-bearing coliform population of the intestinal flora. Data submitted by drug sponsors on the effect of subtherapeutic administration of tetracyclines in animals also show an increase in drug-resistant *E. coli* in medicated animals, compared to nonmedicated controls. A review of data from the literature, from FDA control studies, and from drug sponsors' submissions leads to the conclusion that subtherapeutic use of tetracyclines in animal feed produces a high level of antibiotic-resistant *E. coli* in animals by selecting for R-plasmid-containing bacteria (Human Health Criteria No. 1a). These bacterial populations appear to be stable and persistent, even in the absence of tetracycline pressure. Once the reservoir of R-plasmids develops (whether due to subtherapeutic use of tetracycline or some other antibiotic), the plasmids can transfer among bacteria infecting animals and man.

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(b) *E. coli contribute their R-plasmids to man through several mechanisms*. Drug-resistant bacteria originating in animals may reach man (1) by direct contact with animals (2) through the food chain, and (3) because of their widespread occurrence in the environment.

(i) *Direct contact with animals*. A number of studies have shown that humans in contact with animals receiving medicated feed have a higher incidence of drug-resistant organisms in their intestinal flora than do control populations without this direct contact. Linton et al. (Ref. 1) found a higher incidence of drug-resistant *E. coli* in adults employed with livestock husbandry than in other rural or urban adults. Wells and James (Ref. 2) found a higher incidence of drug-resistant *E. coli* in humans in contact with pigs given certain antibiotics than in humans in contact with pigs that had not been given antibiotics.

Siegel et al (Ref. 3) compared the proportion of resistant organisms in fecal samples from: (*a*) Farm workers in contact with the resistant flora of animals receiving subtherapeutic levels of penicillin, (*b*) people residing on the same farms with no direct exposure to the farm animals; (*c*) nonfarm people treated with antibacterial drugs; (*d*) untreated people residing with treated individuals; (*e*) untreated people with no exposure to farm animals or treated individuals.

The data (Ref. 3) indicate that the enteric flora of individuals who have not been treated with antibiotics can be affected by contact with animals; furthermore, these individuals may be affected by contact with people who have developed a predominantly resistant flora as a result of their exposure to subtherapeutic levels of antibacterials in feeds.

A study sponsored by the Animal Health Institute, Levy et al. (Ref. 4), examined the change in intestinal microflora of chickens, farm dwellers, and their neighbors before and after the introduction of a tetracycline-supplemented feed to the farm. Within 1 week after

introduction of this antibiotic in their diet, the *E. coli* of the chickens were almost entirely tetracycline-resistant. Subsequently, and at a slower rate, increased numbers of antibiotic-resistant bacteria appeared in the flora of the farm dwellers. No such increase was observed in the farm neighbors, who were not exposed to the animals fed subtherapeutic antibiotics. Within 5 to 6 months, 31.3 percent of weekly fecal samples from farm dwellers contained greater than 80 percent tetracycline-resistant bacteria compared to 6.8 percent of the samples from the neighbors. Using a specially marked resistance gene to identify a particular plasmid, Levy was also able to demonstrate the direct spread of resistant organisms from chickens to chickens and from chickens to man (Ref. 5).

The studies do not establish that the shift in the antibiotic-resistant *E. coli* flora of rural human populations was a result of contact with livestock, per se, since some shift could have also occurred as a result of contact with the antibiotic-supplemented feed used on the farms. Nonetheless, it was demonstrated that the subtherapeutic use of certain antibiotics, including the tetracyclines, increases the pool of R-plasmid-bearing *E. coli*, and the studies define one route by which antibiotic-resistant strains can enter the human population. While this route is of great importance to farm dwellers, the majority of the population has no contact with live animals. For this latter group of individuals, a more important route of exposure by which resistant bacteria can pass to man is by the handling and ingestion of meat and poultry products contaminated with R-plasmid-bearing *E. coli* of animal origin.

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(ii) *Contact with E. coli-contaminated food.* To assess adequately the significance of the problem of human food contaminated with *E. coli*, Howe and Linton (Ref. 1) described four factors that must be measured: (*a*) The incidence of R-plasmid-bearing *E. coli* in food-producing animals; (*b*) the load and frequency of excretion of *E. coli* from these animals; (*c*) the degree and source of contamination of carcasses at slaughter; and (*d*) the overlap of *E. coli* serotypes in various host animals with those commonly found in humans. A number of surveys have clearly documented that pigs, calves, and poultry carry a large reservoir of antibiotic-resistant *E. coli* (Anderson; Loker; Mercer; Smith; Howe, Linton and Osborne; Smith and Crabbe (Refs. 2 through 8, and 15)). The animals excrete a large number of *E. coli* resistant to a wide range of clinically useful antibiotics and constitute a reservoir "rich" in R-plasmids. Moreover, they excrete a large variety of serotypes of *E. coli*.

During the slaughtering process, contamination of carcasses with intestinal microorganisms cannot be prevented. Meat and meat products are often contaminated with antibiotic-resistant *E. coli*, and these often reach the consumer. Walton (Ref. 9) demonstrated that 52 percent of the carcasses of cattle and 83 percent of pig carcasses from commercial abattoirs were contaminated with *E. coli*. Walton and Lewis (Ref. 10) isolated resistant *E. coli* from 21 to 50 specimens of fresh meat and from 4 of 50 specimens of cooked meat. Babcock et al. (Ref. 11) isolated multi-resistant *E. coli* from 80 percent of 98 samples of dressed beef. Resistance in most cases was found to be transmissible.

Similar incidents of *E. coli* contamination occur with the slaughter of chickens (Kim and Stephens (Ref. 12), Cooke et al., and Shooter et al. (Refs. 14 and 18)).

The presence of antibiotic-resistant *E. coli* in the animal intestinal tract and on the carcass does not conclusively prove that the *E. coli* are identical organisms. However, recent studies using serotyping methods have characterized resistant and sensitive *E. coli* isolated from the animal intestinal tract and carcass (Refs. 13, 15, 16, and 17), and have found that the resistant O-serotypes on the carcasses of pigs, calves, and poultry frequently are identical to those isolated from the fecal contents of the same animal. Moreover, Linton, Howe, et al. (Ref. 17), showed that a large number of *E. coli* found on table-ready thawed chickens were resistant to therapeutically important antibiotics. The organisms reaching the kitchen included a wide diversity of O-serotypes of antibiotic-resistant *E. coli*. Similarly, Shooter et al. (Ref. 13) described the distribution and serotype of strains of *E. coli* from a poultry packing station and an abattoir and concluded that "results in both the abattoir and the poultry packing station indicate that there is transfer of strains from the faeces of the animals to the environment and that the strains of *E. coli* found on the carcasses of poultry, cattle, and beef will originate from the faeces of the animal and from the environment and will reflect the history of the carcass."

The epidemiology of *Salmonella* infections also supports the conclusion that the reservoir of R-plasmil-bearing enteric bacteria in animals is a significant source of R-plasmids for humans. Food-borne *Salmonella* infections in man are a well-known and continuing problem. Animal meat products that serve as a primary source of *Salmonella* infections in humans also serve as a source of other bacteria for man, including R-plasmid-bearing enteric bacteria (Ref. 19).

Based on this evidence, the Director must conclude that man is exposed to R-plasmid-bearing intestinal bacteria through contact with contaminated food. Because the drug resistance of these bacteria is increased by feeding the animals subtherapeutic levels of antibiotics, such feeding enhances the likelihood of transmitting R-plasmid-bearing bacteria to man through contact with contaminated food.

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(iii) *Widespread presence in the environment.* Many studies (Refs. 1 through 6) have shown that intestinal bacteria (e.g., *E. coli* and *Salmonella*) carrying R-plasmids are widespread in the environment. Resistant strains reach the environment from both raw and treated municipal, hospital, and animal wastes. The number of resistant bacteria reported in sewage and the effects of sewage treatment vary. Most surveys indicate that hospital sewage contains more drug-resistant coliforms, more R-plasmids, and a greater proportion of R-plasmids carrying multiple resistance than sewage from domestic and other sources. However, hospitals do not constitute a large proportion of total sewage. Therefore, Linton et al. (Ref. 4) compared the contributions of hospital and domestic sewage to the total pooled sewage output of the city of Bristol, and concluded that sources such as industries and homes, rather than the hospitals, appear to be by far the greatest contributors to the reservoir of R-plasmids in the community (Ref. 7).

R-plasmid-containing bacteria also occur in rivers and sea water, and some authors have urged stricter control of discharges to surface waters. Feary et al. (Ref. 2) examined the incidence of antibiotic-resistant *E. coli* present at sites along a fresh water river system and within the salt water bay into which it empties. Antibiotic-resistant coliforms were detected in nearly all the fresh water sites sampled and in about 50 percent of the salt water sites. Feary found that 20 percent of the 194 strains tested contained R-plasmids carrying multiple antibiotic resistance which could be transferred to sensitive *Salmonella typhimurium* (*S. typhimurium*), *Shigella dysenteriae*, and *E. coli*. They also isolated coliforms containing R-plasmid-mediated resistance to chloramphenicol. Transferable chloramphenicol resistance is a significant health concern since chloramphenicol is often the antibiotic of choice for the treatment of typhoid fever and for the treatment of systemic illness caused by other *Salmonella* species. In Feary's study, the incidence of coliform organisms appeared higher around heavily populated areas, but coliforms were also recovered with ease from rural areas. In one case where particularly high counts were obtained, the sample was taken below a large cattle feedlot.

The high levels of resistant coliforms may be of more consequence in the salt water since certain sections are utilized heavily by fishermen in harvesting fish, shrimp, clams, and oysters. Oysters and clams are of primary concern since they continuously filter water and concentrate bacteria in their gut and are often eaten uncooked.

Recent reports by Cooke (Ref. 1) have also described a high incidence of resistant coliforms in marine shellfish and freshwater mussels. These data are reviewed in more depth in the CSP EIAR/EAR (Docket 77N–0156).

Therefore, the Director must conclude that the environment is heavily contaminated with bacteria containing transferable antibiotic resistance. Man is exposed to the danger of acquiring resistant coliforms from the environment, and the relative number of resistant bacteria are increased both by the use of antibiotics in animal husbandry and in human medicine. Antibiotic-resistant bacteria are now so widely distributed in the general environment that it is difficult to relate their appearance to a particular use, but any unnecessary practice which results in the ineffectiveness of antibiotics for the treatment of disease should be eliminated.

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(c) *R-plasmid-bearing human and animal strains of bacteria overlap.* Typing of surface bacterial antigens is used as a means of identifying bacteria strains. Three types of specific surface antigens are associated with the *E. coli* cell: An "O" cell wall lipopolysaccharide antigen, "K" capsular or envelope antigen, and an "H" flagellar protein antigen which occurs among mobile organisms. The antigens are characteristic of a specific organism, and they serve to identify distinct bacterial types (serotypes) within species. Their presence is detected by the ability of *E. coli* organisms to interact with specific antiserums.

(i) *Epidemiological investigations—E. coli serotyping.* (*a*) Despite the widespread occurrence of R-plasmids in the environment, some workers (Bettelheim et al., Ref. 1) suggested that human *E. coli* and animal *E. coli* were distinct. These workers argued that there were marked differences in serotype distribution in strains isolated from man and animals; they also suggested that animal strains of *E. coli* were not reaching the human population or were failing to implant in the bowel. More recently, however, this same group, Bettelheim et al. (Ref. 2), compared the serotypes of 13,139 strains of *E. coli* isolated from humans with the serotypes of 1,076 animal strains of *E. coli;* 708 different O/H serotype combinations were found. Of these, 520 were found in human strains only, 130 from animal strains only, and 58 O/H serotype from humans and animals. The authors concluded:

> At first glance the results described in this paper would indeed support the view that human and animal strains of *E. coli* are largely distinct. Second thoughts, however, suggest a little caution in accepting the opinion too firmly.
>
> However thoroughly human or animal stools are examined, only a minute fraction of the total bacterial content is examined, and inevitably strains recorded as being isolated tend to be those that predominate. It is always probable that if examination is continued, further strains may be isolated but after an amount of work that is impracticable in any ordinary investigation. If this is so, it is possible that many of the strains recorded as coming from humans only or from animals only might, with more diligent examination, be recorded as present in both man and animals.

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(*b*) Linton, Howe, Richmond, and their collaborators (Refs. 1 through 4) also conducted extensive epidemiological investigations. They found a wide range of resistant and sensitive O-serotypes of *E. coli* in calves, pigs, and poultry, and they compared these serotypes with those found in the human intestine. The authors found that many O-serotypes common to man were also common to one or more of the three animal species examined. Thus, they concluded that it is impossible to make a clear distinction between "animal" and "human" intestinal strains of antibiotic-resistant *E. coli* based on O-serotyping alone. More im-

portantly, the studies suggest a considerable overlap in the distribution of R-plasmid-bearing O-serotypes in man and in animals. Moreover, the same resistant serotypes, which predominate in the *E. coli* populations from healthy human and animal fecal sources, were also prevalent among R-plasmid-bearing strains from clinical material (Ref. 5).

Because the use of O-serotyping alone as an epidemiological tool has been criticized on the grounds that it is incomplete and inadequate, Howe and Linton (Ref. 2) examined *E. coli* for the K and H antigens as well as the O antigen. They studied 90 strains, 17 chosen at random from human urinary tract infections, 17 from human feces, and 56 from calf feces; all belonging to O-types 8, 9, and 101. The authors found the same K and H antigens in certain strains of the same O-types from each of the three *E. coli* sources. Additionally, K and H antigens associated with these O-serotypes were not specific to antigens associated with these O-serotypes were not specific to *E. coli* isolated from humans or from calves. Although further subdivision of the three O-serotypes was possible by this means, the authors concluded that O-serotyping alone provided a very useful means of distinguishing strains of *E. coli* in a general survey.

These studies show that a similar range of drug-resistant R-plasmid-bearing O-serotypes of *E.* coli have been found in man and the various animal species examined. Furthermore, the studies show that the ratio of drug-resistant to drug-sensitive isolates was much higher in animals than in man (Refs. 2 and 6). Thus the abundance and diversity of drug-resistant R-plasmid-bearing O-serotypes in animals are much greater than that currently found in man, and the serotypes overlap.

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(ii) *Direct ingestion evidence.* Direct ingestion experiments have also been conducted to show that R-plasmid-bearing *E. coli* of farm origin can colonize the human intestinal tract. In 1969, Smith (Ref. 1) concluded that animal *E. coli* strains were poorer at colonizing the intestine of man than were human *E. coli* strains. However, his observations were based on a single volunteer (himself) and a small number of *E. coli* strains. Cooke in 1972 (Ref. 2), on the other hand, reported that it was relatively easy to produce temporary colonization of the intestine by *E. coli* strains from both human and animal sources. She reported the persistence of an *E. coli* infection of animal origin in a human volunteer for 120 days following the ingestion of a very large dose.

Other experimental studies (Refs. 3 and 4) confirm that temporary colonization occurs provided a large dose of the organisms is taken, but there is a great deal of biological variation between colonization for different strains and for different human individuals. In normal individuals, the carriage of intestinal *E. coli* seems to follow a characteristic pattern. Each person carries one or two resident strains that establish themselves and multiply for months or years. In addition, four or more transient strains are present for a few days or weeks. Strains disappear and are replaced by others. Sometimes, under antibiotic pressure, a new strain suddenly takes over, later disappearing. Strains of *E. coli* thus differ in their ability to colonize man. Although some strains are not well adapted to colonizing man, others are as able to live in human as in animal intestines. The greater the diversity of R-plasmid-bearing O-serotypes that reach the consumer, the greater the probability that one more of these antibiotic-resistant strains will be capable of colonizing man.

Recently, Linton, Howe, Bennett, et al. (Ref. 5) demonstrated that antibiotic-resistant *E. coli* found on a commercially prepared chicken carcass colonized the intestinal tract of a human volunteer. Two strains present on the chicken carcass handled and eaten by the human volunteer were subsequently excreted by her. Both strains were undetectable in the human before contact with the chicken carcass. The strains were shown to be identical in chicken and man by comparing their serotypes (O, K, and H antigens) and R-plasmids. The plasmid complements were determined to be identical by electron microscopy and restriction endonuclease patterns. Restriction endonucleases are enzymes that DNA at specific sites. Physiochemical techniques then visualize these plasmid fragments. The identity of these plasmids can be determined by a comparison of the DNA fragments generated using restriction enzymes with different recognition sequences. The Linton study also suggested that the handling of the uncooked carcass provided a greater opportunity for transmission that does eating cooked meat. The strains persisted for 10 days, and the process occurred without feeding any antibiotics to the volunteer during the study. This is consistent with reports of *Salmonella* infections from animal sources.

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(iii) *In vivo studies show that R-plasmids transfer from E. coli to pathogens.* The ingestion of R-plasmid-containing bacteria can result in in vivo R-plasmid transfer to the normal intestinal flora. When this occurs, the *E. coli* constitute a reservoir of organisms capable of transferring R-plasmids to intestinal pathogens, e.g., *Salmonella*. The in vivo transfer of R-plasmids has been demonstrated in sheep, mice, calves, pigs, chickens, turkeys, and in the human alimentary tract (Refs. 1 through 8). Generally, in vivo transfer is not as readily detectable as in vitro transfer. In the absence of drug selection, the rate of in vivo R-factor transfer is generally low, and large numbers of resistant donors may be required for transfer (Refs. 1 and 6). Demonstrations of in vivo transfer have usually been achieved by first modifying the normal flora of the alimentary tract by feeding antibiotics, by starvation, or by using germ-free mice or newly hatched chicks, and these procedures probably counteract the inhibitory effects of bile salts, fatty acids, acid pH, and anaerobic conditions of the normal intestinal tract.

These experimental results may not be a true indication of the extent of R-plasmid transfer in natural populations since they often involve individuals who are exposed to restricted numbers and types of donor and recipient organisms. In some instances the methods were not suitable for the detection of low level transfer. However, Smith and Tucker (Ref. 9) studied the effect of antibiotic administration on the fecal excretion of *Salmonella* by experimentally infected chickens. The authors found that R-plasmid resistance developed in the indigenous *E. coli* and that very similar resistance patterns than developed in the *Salmonella*. These results were duplicated in some of the studies submitted by the NADA holders,

which are also discussed in depth under Part IV. B. below.

Regardless of the frequency with which R-plasmid transfer occurs in the absence of modifying influences, it has occurred and given rise to antibiotic resistance in bacteria, including pathogens. The conditions of the Smith and Tucker studies mimic those brought about by the practice of feeding subtherapeutic levels of tetracycline and other antibiotics to animals. That practice leads to an increase in and selection for R-plasmid-bearing organisms, and it therefore increases the probability of in vivo R-plasmid transfer to pathogens.

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(iv) *R-plasmid compatibility studies.* Another FDA sponsored study (Ref. 1) examined the compatibility properties of more than 100 R-plasmids from *E. coli* and Salmonella isolated form animals in order to determine whether the plasmids are related to those isolated from man. The usual method of genetically classifying plasmids is based on their ability to exist with each other in the same bacterium. Genetically unrelated plasmids can exist in the same host, and they are called compatible. On the other hand, related plasmids cannot coexist, and they are called incompatible. Plasmids belonging to the same incompatability group are presumed to be related.

The Food and Drug Administration study showed that the R-plasmid incompatibility groups seen in animal isolates show the same distribution as those found in human isolates. This therefore suggests that human and animal bacterial populations overlap; there are not separate and distinct human and animal R-plasmids.

A more direct approach for examining the relationships between plasmids is to measure the proportion of DNA sequences (that is, the number of similar or identical genes) that are common to any two plasmids (DNA–NA hybridization). R-plasmids belonging to the same incompatibility groups of human and animal origin are identical when examined by DNA–DNA hybridization techniques (Refs. 2 and 3). Restriction endonuclease activity has also confirmed the similarity of R-plasmids isolated from enteric organisms of human and animal sources (Ref. 4). Therefore, the Director must conclude that R-plasmids of human origin are indistinguishable from those of animal origin.

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(v) *Hazards.* While the presence of antibiotic-resistant *E. coli* in the intestinal tract of humans may generaly cause no immediaete problems to an individual, under certain circumstances it may lead to dangerous situations. For example, *E. coli* is the most usual cause of human urinary tract infections and commonly arises from an individual's own intestinal flora. Sulfonamides are generally the drug of choice for treatment of urinary infections; however, a significant number of infections with sulfonamide-resistant strains are now reported.

Antibiotic-resistant *E. coli* in the bowel of man also constitute a reservoir of organisms capable of transferring resistance to intestinal pathogens. Perhaps the greatest hazard to human health arising from the use and misuse of antibiotics is the large reservoir of plasmid borne resistance genes in the normal intestinal flora of animals and man and their presence in the environment—resistance that can be tranferred from nonpathogenic to pathogenic organisms.

In recent years the emergence of R-plasmid-mediated resistance in pathogens has been identified in epidemics around the world. A strain of *Salmonella typhi* carrying an R-plasmid-determining resistance to chloramphenicol caused an epidemic of typhoid fever in Mexico. Transferable chloramphenicol resistance has also become common in *S. typhi* isolated in Indian, Vietnam, and Thailand (Ref. 1). The recent epidemic of drug-resistant *Shigella dysenteriae* infection in Central America (Ref. 2) is another example of an epidemic disease which was no longer susceptible to treatment by antibiotics that had previously been useful. Plasmid-mediated resistance has been reported in strains of *Bordetella bronchiseptica* (Ref. 3), and FDA scientists have demonstrated plasmid-mediated resistance to penicillin, tetracycline, streptomycin, and sulfonamide in strains of *Pasteurella multocida* and *Pasteurella haemolytica*, both of which cause serious diseases in animals (Refs. 3 and 4).

Recent studies (Refs. 5 through 12) have also shown that the genes specifying resistance to ampicillin, tetracycline, kanamycin, chloramphenicol, trimethoprim, and streptomycin reside on DNA sequences that are able to translocate or move from plasmid to plasmid as a discrete unit, or from a plasmid to the bacterial chromosome. Therefore, in addition to movement of resistant bacteria from animals to man and the transfer of R-plasmids between bacteria, the genes that reside on the plasmids can themselves migrate from plasmid to plasmid by translocation. Furthermore, an R-plasmid does not have to be stably maintained within a cell to donate its resistant genes to a recipient chromosome or an indigenous plasmid.

Tetracyclines are the drug of choice for most infections caused by mycoplasma, rickettsia and chlamydia. Some of these organisms (e.g., the causative agents of Psittacosis, Ornithosis, and Q-fever) are known to spread from animals to man. Under antibiotic pressure, the development of tetracycline resistance has been shown in *Coxiella burnetii*, the pathogenic rickettsia causing Q-fever (Ref. 13). Mycoplasmas recently have been shown to possess plasmids of as yet unknown function (Ref. 14). Tetracycline-resistant mycoplasmas have been isolated from the urinogenital tract of patients with various disorders (Refs. 15 and 16). It is uncertain whether this resistance is chromosomal or plasmid-mediated. However, there is certainly a possibility of animals under antibiotic pressure acquiring tetracycline-resistant mycoplasmas, and of the translocation of chromosomal tetracycline resistance to R-plasmids. There are recent data indicating that some *Mycoplasma* may be pathogenic for a wider spectrum of life than was originally believed (Ref. 17).

Most bacterial species possess indigenous plasmid gene pools. In fact, plasmids have been found in all species of bacteria which have been examined. The function of these plasmids is often unknown, but they could serve as effective recipients for the insertion of translocatable genes. The recent emergence of ampicillin-resistant strains of *Haemophilus influenzae* and penicillin-resistant strains of *Neisseria gonorrheae* represent alarming examples of the extension of the R-plasmid gene pool (Refs. 18 and

19). The resistance genes found in both species are identical to those previously found only in *E. coli* and other enteric organisms.

The World Health Organization prophetically warned (Ref. 20):

The point will ultimately be reached at which the transfer of resistance to pathogens becomes inevitable and the larger the pool, the greater is this possibility. Moreover, the wider the distribution of R+ (R-factor) enterobacteria the greater the possibility that R-plasmids may emerge that can cross biological barriers so that they can perhaps enter bacterial species and genera apparently widely different from their original enterobacterial hosts.

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4. *Director's conclusions.* The holders of the approved NADA's for subtherapeutic tetracycline-containing products were required to show that the subtherapeutic use of tetracycline does not increase drug resistant (i.e., increase the pool of R-plasmid-bearing) organisms in animals. If they were unable to show that subtherapeutic tetracycline use does not increase the pool of R-plasmid-bearing organisms in animals, the holders were then required to show that the R-plasmids are not transferable from animals to man. They failed to do any of this.

The evidence shows that the pool of R-plasmid-bearing organisms, particularly in *E. coli*, is increasing, and that the increase is due at least in part to the subtherapeutic use of the tetracyclines in animal feed. Further evidence shows that *E. coli* contribute their R-plasmids to man through his direct contact with animals, through his direct contact with *E. coli*-contaminated food, and by widespread presence of the R-plasmids in bacteria in the environment. Studies also show that there is no strict distinction between the *E. coli* that colonize animals and those that infect man. On the contrary, there is considerable overlap in these strains, and there is also an overlap in the enteric bacterial R-plasmid population in humans and animals. This evidence is derived from epidemiology studies, bacterial ingestion studies, and compatibility studies of the normal intestinal flora of man and animals. These bacteria may donate their R-plasmid to pathogens in man and animals even when transient, and the NADA holders have submitted no evidence on the degree of colonization, if any, that is necessary for this transfer to occur. Accordingly, the Director concludes that the holders of the approvals for the subtherapeutic tetracycline-containing products for use in animal feeds have failed to show that extensive subtherapeutic tetracycline use satisfies the requirements of § 558.15 and criterion 1 of this notice.

B. SHEDDING AND RESISTANCE CHARACTERISTICS OF SALMONELLA (CRITERION 2)

1. *Background.* Under human and animal safety criterion number 2, the NADA holders must show that an antibacterial drug used in animal feed shall not cause a significant increase in the quantity, prevalence, or duration of *Salmonella* shedding or an increase in the antibiotic resistance characteristics of salmonellae. The Bureau of Veterinary Medicine emphasized this criterion because (a) independent studies indicated that use of an antibiotic had caused an increase in *Salmonella* shedding in medicated humans (Ref. 1); and (b) an epidemic of a specific virulent (phage-type 29) *Salmonella typhimurium* had occurred in Great Britain after prophylactic use of antibiotics in cattle feed. This resulted in human fatalities (Ref. 2).

Askeroff and Bennett (Ref. 1) presented data on the effect of antibiotic therapy on the excretion of *Salmonella* in feces of humans infected with acute salmonellosis. After a large *S. typhimurium* epidemic caused by eating contaminated turkey, the authors examined the feces of untreated patients and patients treated with tetracycline, ampicillin, and chloramphenicol for *Salmonella*, and they determined the antibiotic susceptibility of the *S. typhimurium* strains. Patients generally received the recommended regimen of antibiotic therapy (1 gram per day). Fecal samples from 87 patients not receiving medication and 185 patients treated with antibiotics were examined. Of the patients treated with antibiotics, 65 percent were shedding *Salmonella* 12 days after infection, and 27 percent were positive (shedding) 31 days after infection. In the untreated patients, however, *Salmonella* shedding was observed in only 42.5 percent at day 12 and 11.5 percent at day 31.

Therapy also favored the acquisition of antibiotic resistance by the infecting strain isolated from poultry, which initially had been susceptible to antibiotics. Eighteen of the 185 patients receiving antibiotics excreted resistant *Salmonella*, while none of the 87 untreated patients excreted resistant *Salmonella* ($P<.05$). The antibiotic resistance acquired in the *Salmonella* strain was shown to be transferable.

Anderson (Ref. 2) carefully documented the buildup of a reservoir of multiply antibiotic-resistant *Salmonellae* in the outbreak of *Salmonella typhimurium* phage-type 29 in calves in Britain from 1963 to 1969. Antibiotics were used both therapeutically and prophylactically in crowded feed lots. As each new antibiotic therapy was tried, a new antibiotic resistance emerged in the pathogen, and eventually the *S. typhimurium* strain carried resistance to a wide range of antibiotics. In addition to disease and death in cattle, shedding (excretion) the multiply resistant *S. typhimurium* caused infections and even

some deaths in humans in contact with the animals.

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2. *Criterion*—(a) *Shedding*. Controlled studies were to be designed to determine whether the administration of an antibacterial drug at subtherapeutic levels would result in an increase in the relative quantity, prevalence, or duration of shedding of *Salmonella* which are pathogens in animals. *Salmonella* are often found in the intestinal tract of man and animals, and the small intestine and colon are the primary sites of multiplication. After penetrating the epithelial lining, they multiply and elicit an inflammatory response. Most *Salmonella* infections are limited to the gastrointestinal tract, producing the clinical symptom termed "gastroenteritis." One of the more common strains, *Salmonella typhimurium*, causes diseases in both man and animals.

When an animal is infected with these bacteria, the live organisms are excreted in the feces ("shedding"). The quantity of *Salmonella* in the feces can be determined by a bacteriological procedure termed a "standard plate count." A specific amount of fecal material is diluted and spread on a semi-solid bacterial growth medium which is selective for the growth of *Salmonella*. After a sufficient time for growth, individual colonies are counted and recorded as the number of *Salmonella* per gram of wet feces. The proportion of antibiotic-resistant *Salmonella* in fecal specimens is independent of the quantity of *Salmonella* shed.

(b) *Resistance characteristics*. Controlled studies also were to be designed to determine whether the administration of oxytetracycline and chlortetracycline at subtherapeutic levels would result in an increase in the proportion of antibiotic-resistant *Salmonella*. *Salmonella* isolated from feces can be tested for their susceptibility to various antibiotic drugs by standard procedures. *Escherichia coli*, a normal component of the intestinal flora, were also examined to determine their resistance spectrum since oral administration of certain antibiotics, whether at therapeutic or subtherapeutic levels, has been shown to result in an increased proportion of indigenous *E. Coli* that contain R-plasmids which can be transferable to other *E. Coli* or to *Salmonella*. Antibiotic resistance may be measured by use of an antibiotic incorporated into the bacterial growth medium or by standardized antibiotic discs.

3. *Industry studies in chickens on the effects of subtherapeutic tetracycline use in animal feed*—(a) *American Cyanamid Co.*—(i) *Experimental design*. This study was designed to determine whether there are increases in the quantity, duration, and prevalence of *Salmonella* shedding in chickens caused by subtherapeutic chlortetracycline in feed. Day-old chicks were fed either chlortetracycline at 200 grams/ton of feed or a nonmedicated diet for 58 days after inoculation with a chlortetracycline-sensitive strain of *Salmonella typhimurium* (*S. typhimurium*). The chicks were divided into four groups: two environmental control groups, a nonmedicated control group, and a medicated (treatment) group.

(ii) *Summary*. While there were no significant differences in the quantity, prevalence, and duration of shedding between the medicated (treatment) group and nonmedicated groups, there were statistically significant differences in the antibiotic-resistance of the *Salmonella* shed by these groups. Chlortetracycline resistance of the *Salmonella shed by* birds fed subtherapeutic levels of the antibiotic showed a statistically significant increase when the ratio of antibiotic-resistant *Salmonella* shed to the number of birds excreting *Salmonella* is calculated for the nonmedicated and treatment groups. The ratio increased from 27 percent drug-resistant on day 1 to approximately 95 percent from day 22 until the end of the study. Furthermore, when the total number of birds excreting antibiotic-resistant *Salmonella* is compared to the total number of birds in the study, medicated birds excrete significantly higher percentages of antibiotic-resistant *Salmonella* than nonmedicated birds ($P<001$), and the excreted *Salmonella* predominantly showed one particular antibiotic resistance—tetracycline, streptomycin, kanamycin, and neomycin.

(iii) *Director's analysis*. Comparing the number of *Salmonella*-positive fecal samples to the number of birds excreting *Salmonella*, the Director finds there are no significant differences between medicated groups and nonmedicated control groups when the tetracycline-sensitive *Salmonella* strain was the infecting agent. However, the percentage of antibiotic-resistant *Salmonella* isolated from birds given chlortetracycline increased rapidly, remained at 93 to 95 percent from day 22 of the study until the conclusion; and the majority of the samples simultaneously developed resistance to streptomycin, kanamycin, tetracycline, and neomycin in the samples of birds treated with chlortetracycline.

(b) *Rachelle Laboratories, Inc.*—(i) *Experimental design*. This study was designed to measure the quantity, prevalence, and duration of *Salmonella* shedding by chickens fed subtherapeutic chlortetracycline for 28 days postinoculation. The chickens were divided into two environmental control groups of three birds each, and two groups that were orally inoculated with a chlortetracycline-sensitive strain of *S. typhimurium*. The treatment group received 100 grams of chlortetracycline/ton of feed.

(ii) *Summary and the Director's analysis*. During the first 8 days of infection, chlortetracycline at the 100 grams/ton of feed reduced the quality and prevalence of *Salmonella* shedding; however, by the 10th day, *Salmonella* shedding in both the nonmedicated control and the treatment groups was comparable. Moreover, the study again showed that administration of subtherapeutic levels of chlortetracycline to chickens resulted in an increase in the percentage of antibiotic-resistant *Salmonella* isolated from the feces.

(c) *Pfizer, Inc.*—(i) *Experimental design*. This study was designed to measure the prevalence, quantity, and duration of *Salmonella* shedding in 8-day-old broilers fed 200 grams of oxytetracycline/ton of feed (subtherapeutic) for 28 days after inoculation with a tetracycline-sensitive strain of *S. typhimurium*. Ten birds were assigned to a treatment group, 10 to a nonmedicated (active) control group, and 3 each to 2 environmental control groups. Unlike the American Cyanamid and Rachelle studies on the effect of subtherapeutic tetracycline of *Salmonella* shedding by chickens, Pfizer measured the pretest level of antibiotic resistance in the indigenous chicken coliforms (*E. coli*). It found the tetracycline resistance level to be 25 percent.

(ii) *Summary*. The two environmental control groups were *Salmonella*-free throughout the study. In the nonmedicated group and the treatment group, the *Salmonella* population decreased with time, although the decrease occurred more rapidly in the medicated group. The prevalence of the *S. typhimurium* in the feces of the medicated birds was less than the prevalence in the nonmedicated birds (17/170 (24 percent) v. 59/70 (85 percent) ($P<0.001$)). But there was a significantly higher percentage ($P<0.01$) of tetracycline resistance in *Salmonella* isolated from medicated animals (21/32 (66 percent)) than isolated from the nonmedicated controls (0/263). The resistance in the *Salmonella* isolates was limited to oxytetracycline and streptomycin with but one exception (ampicillin).

(iii) *Director's analysis*. The Director does not disagree with certain conclusions drawn from this study by Pfizer. Based on the information submitted, the study appears to show that subtherapeutic use of oxytetracycline did not increase the quantity of *Salmonella* shed in the feces of medicated birds. Nor did the quantities found in the liver, spleen, or cecal tissues differ. Also, the duration of *Salmonella* shedding and the prevalence of the infections were not greater in the medicated chickens than in the nonmedicated control birds. Nevertheless, the study fails to show that subtherapeutic tetracycline is safe for use in feed for chickens since the percentage of resistant *Salmonella* is increased in medicated chickens compared to nonmedicated birds as in the American Cyanamid and Rachelle studies. Neither American Cyanamid nor Rachelle, however, measured the prestudy levels of antibiotic resistance in the indigenous *E. coli*, which was required by FDA guidelines. Since the Director and all others in the area are concerned that

indigenous *E. coli* are a primary source of R-plasmids for the transfer of antibiotic resistance to pathogens, FDA added this point to its test guidelines. Failure to conduct the study properly is a glaring if not fatal omission and negates its value.

(d) *Director's conclusions.* In all three studies the percentage of antibiotic-resistant *Salmonella* isolated from chickens fed subtherapeutic levels of tetracycline was higher than that of chickens fed antibiotic-free feed. Moreover, the sponsors failed to use an enrichment procedure for culturing the bacteria which, as the Director explained in his notice for penicillin published in the FEDERAL REGISTER of August 30, 1977 (42 FR 43782), may have biased the results. For these reasons, the Director concludes that the studies have failed to demonstrate conclusively that the subtherapeutic use of tetracycline in chicken feed is safe.

4. *Industry studies in swine on the effects of subtherapeutic tetracycline use in animal feed*—(a) *Tetracycline alone*—(i) *Experimental design.* Four holders of approved NADA's, American Cyanamid, Rachelle, Diamond Shamrock Corp., and Pfizer, submitted four studies of similar design to measure the effect of subtherapeutic tetracycline in feed on the quantity, prevalence, and duration of *Salmonella* shedding by swine. American Cyanamid and Rachelle studied the effect of chlortetracycline at 200 grams/ton of feed, Diamond Shamrock studied chlortetracycline at 100 grams/ton of feed, and Pfizer studied oxytetracycline at 150 grams/ton of feed. In each study, 10 swine were assigned to a group given antibiotics and 10 to a nonmedicated group. Swine in both groups were inoculated with tetracycline-sensitive *Salmonella*. Only the Pfizer study lacked medicated and non-medicated environmental control groups not infected with *Salmonella*. The Pfizer study was conducted for 37 days postinoculation, and the others were for approximately 4 weeks.

(ii) *Summary and the Director's analysis.* When the Director compared results of *Salmonella* isolates from the medicated and nonmedicated swine, he found that the swine fed subtherapeutic tetracycline showed no increase in *Salmonella* colonization or shedding (prevalence, duration, or quantity). But the studies illustrate a general pattern—statistically significant increases in the percentage of antibiotic-resistant *Salmonella* isolated from medicated swine compared to those isolated from the nonmedicated controls ($P<0.01$ or 0.05).

(b) *Tetracycline in combination with sulfonamides and penicillin*—(i) *Experimental design.* American Cyanamid, Diamond Shamrock, and Rachelle each submitted a study to measure the effect on *Salmonella* shedding of a widely used combination of subtherapeutic antibacterials CSP, (chlortetracycline 100 grams/ton, sulfonamide 100 grams/ton, and penicillin 50 grams/ton in swine feed) on *Salmonella* shedding. The study also attempted to measure the change in percentage of antibiotic resistance in indigenous *E. coli* and inoculated *Salmonella*. Again, the study designs were comparable. In each study, 10 swine were assigned to each group fed the combination (no groups received the individual components of the combination) and 10 were assigned to a nonmedicated control group. Swine in these groups were then infected with a tetracycline-sensitive strain of *S. typhimurium;* the swine were monitored for 28 days postinfection. Each study also had two environmental control groups, containing 3 to 10 nonmedicated swine which were not experimentally infected.

(ii) *Summary and the Director's analysis.* In no study did the antibiotic combination increase *Salmonella* shedding in the swine. However, in each study antibiotic resistance increased in the *Salmonella* isolated from swine fed the CSP combination compared to nonmedicated swine. American Cyanamid and Rachelle failed to make prestudy determinations of the antibiotic resistance in the indigenous *E. coli* in any or all swine, and in the Diamond Shamrock study, the background level of drug resistance in the *E. coli* was extremely high, 80 to 100 percent. Information on the *E. coli* resistance is crucial to assessing the risk of harm associated with subtherapeutic tetracycline. The *E. coli* may serve as a reservoir of transmissible R-plasmids for pathogens. An initially very high background level of resistance will make it difficult to detect any further development of antibiotic resistance in the *E. coli* during the course of exposure to the medicated feed.

The studies were conducted for only 28 days postinfection, until the swine were aproximately 10 weeks old, which differs from the conditions under which swine are commercially grown for marketing. Normally, swine are fed antibiotics until 16 weeks of age, and the Director has no basis for extrapolating the results on shedding for more than the 28 days that the study was actually conducted. In fact, an extrapolation based on trends in some of the studies and the results from similar studies in the literature to be discussed below would suggest that the prevalence, duration, and quantity of *Salmonella* shedding would increase after a longer time period in the swine fed subtherapeutic levels of antibiotics.

(c) *Director's conclusions.* Based on the results of these studies, the Director concludes that the subtherapeutic tetracycline has not been conclusively shown to be safe in swine. The use of subtherapeutic tetracycline in swine feed, in the presence of R-plasmids, again causes an increase in shedding of antibiotic-resistant *Salmonella*, although enrichment procedures were not used in culturing the bacteria.

5. *Industry studies in cattle on the effects of subtherapeutic tetracycline use in animal feed*—(a) *Studies of tetracycline and tetracycline combinations in cattle and calves*—(i) *Experimental design.* Five drug firms—American Cyanamid, Diamond Shamrock, Rachelle, Vitamin Premixers of Omaha, and Pfizer—conducted six studies on *Salmonella* shedding in calves fed subtherapeutic tetracycline and a subtherapeutic combination of tetracycline and sulfamethazine. American Cyanamid, Diamond Shamrock, and Rachelle studied chlortetracycline at 350 milligrams/head/day, while Vitamin Premixers of Omaha (VPO) studied chlortetracycline at 200 milligrams/calf/day. Pfizer conducted a study of oxytetracycline at 100 grams/ton of feed. American Cyanamid also performed a study on the effect of chlortetracycline and sulfamethazine in combination each at 350 milligrams/head/day.

In general, the experimental designs were similar to the following plan:

Group	Antibiotic supplement in the feed	*Salmonella* inoculation	Animals per group
1	Tetracycline	10^8–10^{11} organisms	7–10
2	Nonmedicated.	do	7–10
3	Tetracycline	None	3
4	Nonmedicated.	do	3

The calves ranged in age from 6 to 8 weeks, and they were housed in animal pens in a variety of groups from one animal per pen to all animals in a treatment group per pen. Also, American Cyanamid used the same nonmedicated control animals for both its study of chlortetracycline alone and chlortetracycline plus sulfamethazine. In three studies, the calves were infected with bovine *S. typhimurium* ATCC 14028 which has a well-characterized R-plasmid recipient ability; in the Pfizer oxytetracycline study, another strain of *S. typhimurium* with a well-characterized recipient ability was used. But in two studies the sponsors provided no details either of the bacteria's ability to transfer or receive R-plasmids. Finally, the *Salmonella* organisms used in all the studies were sensitive to both the antibiotics used in the study and to antibiotics in general.

(ii) *Summary.* The Rachelle submission contained no information on *E. coli* resistance, but the background level of antibiotic resistance in *E. coli* in the other studies generally ranged from 63 to 100 percent (American Cyanamid measured only 1 calf per pen of 5 animals). The prevalence of *Salmonella* shed in all the studies was less in the medicated groups than in the nonmedicated control groups, and the medicated groups generally excreted fewer *Salmonella*. When the American Cyanamid chlortetracycline-alone study was terminated, however, more calves fed subtherapeutic chlortetracycline than nonmedicated calves were shedding *Salmonella*. This was also observed in the Diamond Shamrock study.

(iii) *Director's analysis.* In those cases in which the initial drug resistance of the *E. coli* was determined, the Director found a correlation between the initially high antibiotic resistance in the *E. coli* and the development of antibiotic resistance in *Salmonella* by transfer of R-plasmids, whether or not the calves

were exposed to antibiotics. For example, *E. coli* isolated from two cattle in the American Cyanamid study were 100 percent tetracycline-resistant, and both cattle developed drug-resistant salmonellosis. Unfortunately, American Cyanamid did not measure the background level of *E. coli* in all cattle, as recommended in FDA guidelines; therefore, the Director cannot correlate the development of antibiotic resistance in the *E. coli* with the development of antibiotic resistance in *Salmonella*. Despite this, the Director identified the pervasive pattern already observed in the chicken and swine studies when there is a high level of antibiotic resistance in the *E. coli* prestudy; antibiotic resistance (i.e. R-plasmids) generally transfers to the *Salmonella*, either remaining high throughout the study or increasing in the medicated animals.

In three experiments the percentage of antibiotic-resistant coliforms was higher in the calves fed subtherapeutic levels of chlortetracycline than in the nonmedicated control, and in one study the difference was statistically significant at $P<0.05$.

In the two studies where the sponsors followed the changes in antibiotic resistance in the coliforms, they observed differences between the nonmedicated and the medicated calves. The tetracycline resistance in coliforms in the medicated and unmedicated animals remained at approximately 80 percent throughout those studies; nevertheless, differences in the resistance to ampicillin, streptomycin, and sulfathiazole were observed. Although the data are sparse, in every case resistance in the nonmedicated control group decreased while the resistance in the medicated group increased or remained constant, e.g., the resistance to ampicillin went 14 percent to 30 percent. Similarly in the Vitamin Premixers of Omaha study, the percentage of coliforms resistant to chlortetracycline, dihydrostreptomycin, and oxytetracycline declined in the nonmedicated control group, but it remained constant for the chlortetracycline and dihydrostreptomycin, and increased slightly for oxytetracycline in the cattle given subtherapeutic tetracycline.

(b) *Director's conclusions.* The studies of subtherapeutic chlortetracycline in cattle pose and fail to resolve the similar problems raised in chicken and swine studies. Subtherapeutic chlortetracycline causes an increase in the percent of R-plasmid-bearing *Salmonella* shed. Moreover, these studies identify another critical problem associated with the use of subtherapeutic antibiotics in animal feed. Indigenous *E. coli*, which have resistance plasmids, are selected for and contribute their R-plasmids to the pathogenic *S. typhimurium*. Accordingly, the Director concludes subtherapeutic chlortetracycline has not been shown to be safe for use in cattle feed.

6. *Information from other studies relating to Salmonella and E. coli antibiotic resistance.* The studies submitted by the holders of the approved NADA's fail to answer conclusively the safety questions concerning the widespread use of subtherapeutic tetracycline in animal feed. Rather, the studies demonstrate that subtherapeutic tetracycline use in animal feed causes an increase in antibiotic-resistant *E. coli* as well as an increase in the percent of shed *Salmonella* that are antibiotic resistant. Studies also indicate that R-plasmid-bearing *E. coli* donate antibiotic resistance plasmids to *Salmonella*. Investigations by independent scientists have produced similar findings (Refs. 1, 2). Patterns of drug resistance seen in *E. coli* and *Salmonella* isolates from man and animals are similar and develop in a like manner. *E. coli* first develops R-plasmid-mediated antibiotic resistance, and then the *Salmonella* develop a similar and frequently identical pattern of resistance. Studies also show that the number of R-plasmid-bearing strains of pathogenic *Salmonella* are increasing. More importantly, the number of multiply resistant strains is increasing.

(a) *Surveys*—(i) *Neu, Cherubin, Longo, Flouton, and Winter studies.* Recently, Neu et al. (Ref. 3) examined the antimicrobial susceptibility of 718 *Salmonella* isolates from humans collected at a New York hospital and 688 isolates from animals. They compared the current (1973) antibiotic resistance in human *Salmonella* isolates with data from a previous study which they had conducted in 1968–1969. They also compared the resistance patterns of animal *Salmonella* isolates from animals obtained from the National Animal Disease Center during 1973.

Thirty percent of all human isolates collected in 1973 were resistant to one or more antibiotics. *S. typhimurium*, a serotype common to man and animals, was the most frequent serotype isolated; 58 percent were resistant to at least one antibiotic. More than 50 percent of the *S. typhimurium* were resistant to four to five antibacterials. Resistance to tetracycline in *S. typhimurium* had increased from 12.5 percent in 1968–1969 to 44.8 percent in 1973, about a 3.6-fold increase. When these results were compared with a 1965 survey conducted in the Eastern United States by Gill and Hook (Ref. 4), the authors found that the percentage of isolates of all serotypes resistant to tetracycline and streptomycin had approximately doubled. Antibiotic-resistant strains of *S. typhimurium* had increased from the 19 percent reported in the Gill and Hook study to 58 percent in the 1973 study of Neu et al., about a 3-fold increase. Moreover, the resistance to ampicillin, tetracycline, chloramphenicol, streptomycin, sulfisoxazole, and kanamycin was transferable among the various *Salmonella* strains.

In animals *S. typhimurium* accounted for 70 percent of the isolates, and 80 percent were resistant to one or more antimicrobial agents. R-plasmids were found in 86 percent of the *S. typhimurium*, and resistance to ampicillin, tetracycline, chloramphenicol, streptomycin, sulfisoxazole, and kanamycin was transferable. Generally, the resistance patterns were similar to those encountered in the *Salmonella* isolated from humans.

The authors concluded that the high incidence of transferable resistance in man and animals suggests that most resistant strains seen today contain complete R-plasmids, and that strains unable to mobilize resistance determinants are less common than was formerly thought. They further concluded that comparison of the resistance of *salmonella* isolates from humans with that of *Salmonella* from animals shows that tetracycline resistance is greater among the strains from animals, as in the case with sulfonamide and streptomycin resistance. While the resistance to ampicillin is higher in *S. typhimurium* strains from humans than from animals, the reverse is true for other serotypes. This difference may reflect the greater current use of tetracyclines, sulfonamides, and streptomycin in animals.

Finally, the authors conclude that the survey clearly demonstrates that resistance to antibiotics is increasing in *Salmonella* isolated from both humans and animals, and since there are great similarities in the resistance patterns of human and animal isolates, it would be useful to know whether the R-plasmids are of a similar nature since this would suggest that animal strains have contributed to the human pool of resistant organisms. This question has since then been examined and certain R-plasmids have been found to be similar in both man and animals. (See Part IVA(3)(c)(iv) above.)

(ii) *CDC reports.* When the Center for Disease Control (Ref. 5) compared a 1968 study on antibiotic resistance in *Salmonella* isolated from hospitalized patients with a more recent study (Ref. 6), results similar to those seen by Neu et al. were found; the number of antibiotic-resistant *Salmonella* showed a marked increase as can be seen from the table below.

	1967 400 strains	1975 764 strains
Resistance to one or more antibiotics:		
S. typhimurium	41.1 pct.	69.4 pct.
Other serotypes	15.8	43.9.
All strains	22.2	49.7.
Resistance to 2 or more antibiotics.	15.0 (60 strains)	20.5. (200 strains)
Resistance to 6 or more antibiotics.	0.8 (3 strains)	9.2. (69 strains).

Nine antibiotics were used in common in both studies—colistin, naldixic acid, sulfonamides, streptomycin, kanamycin, tetracycline, chloramphenicol, ampicillin, and cephalothin. In the 1975 study gentamycin and bactrim substituted for the neomycin and nitrofurantoin in the 1968 study. The substitutions fail to explain the increase in antibiotic resistance since frequency of resistance to the substituted drugs was actually lower than the frequency of resistance to those tested initially (gentamycin (1975), 0.1 percent to neomycin (1967), 1.2 percent; bactrim (1975), 1.3 percent to nitrofurantoin (1967), 2.5 percent).

Between 1968 and 1975, overall antibiotic resistance in *Salmonella* strains more than doubled, from 22.2 percent to 49.7 percent. Furthermore, although

resistance in *S. typhimurium* increased 1.7 times during this span, other serotypes of *Salmonella* showed a greater increase in antibiotic resistance—a 2.8-fold increase. Multiple antibiotic resistance increased significantly (from 15.0 percent to 26.5 percent), and the number of "super resistant strains," i.e., those with R-plasmids carrying resistance to 6 or more antibiotics, increased dramatically from 0.8 percent in 1967 to 9.2 percent in 1975. Perhaps more importantly, while the super-resistant strains accounted for only 0.5 percent of the total number of pathogenic isolates in 1968, they accounted for over one-third of all multiply resistant strains isolated in 1975 (34.5 percent).

The 1968 study included both nosocomial- and community-acquired infections; therefore, some isolates in that survey may have been obtained after patients were treated with antibiotics. The 1975 figures, however, are based on isolates obtained only from untreated community-acquired infections and are thus particularly significant. These infections were likely to have occurred as a result of exposure to contaminated animal products rather than as a result of unsuccessful or inappropriate therapeutic treatment of the patient. It is estimated that the United States has 2½ million cases of salmonellosis per year, and about 30 percent of these cases are severe enough to be seen by a physician. Approximately 1 percent of these develop life-threatening septicemia where appropriate antibiotic therapy is critical. However, in 27 percent of the cases treated, the first antibiotic chosen for treatment proves to be ineffective because the disease is due to antibiotic-resistant *Salmonella* (Ref. 6a).

(iii) *American Cyanamid survey.* Langworth and Jarolmen in a study conducted for American Cyanamid (Ref. 7), compared the antibiotic susceptibility of bacterial isolates from patients in a rural Iowa hospital with isolates from patients in an urban Connecticut hospital. *E. coli* isolated from patients in the Iowa hospital were significantly more resistant to tetracycline and neomycin than were isolates from the Connecticut hospital. There were no significant differences in antibiotic resistances in most species of bacteria studied other than *E. coli*. However, when the pool of all bacterial isolates from the Iowa hospital was compared with all isolates from the Connecticut hospital, the isolates from the Iowa hospital exhibited significantly greater resistance to tretracycline, ampicillin, furazolidone, and kanamycin.

(iv) *Other surveys of Salmonella resistance.* Other surveys of antibiotic resistance in *Salmonella* in farm animals show a continuous increase in tetracycline resistance (Refs. 3, 8, 9, and 10). Also, in human infections, tetracycline resistance of *Salmonella* has shown a dramatic increase in the United States:

Tetracycline resistance in human Salmonella *typhimurium isolates*

Year	Number of isolates and source	Percentage of tetracycline resistance	Reference
Pre-1948	100, CDC	1.0	11
1956 to 57	100, CDC	5.0	----------
1958 to 60	178, CDC	14.0	----------
1962	213, CDC	23.0	12
1962 to 63	80, New York	20.0	13
1967	400, New York	31.4	0
1968 to 69	292, Northeast	12.5	14
1970	315, Northeast	23.5	15
1970 to 72	2,236, California	37.0	16
1973	718, Northeast	44.8	3

(b) *Feeding studies*—(i) *Chickens*—(*a*) Reid et al. (Ref. 17) demonstrated that feeding subtherapeutic levels of tetracycline to chickens resulted in a statistically significant increase in the chlortetracycline-resistant *E. coli* isolated from the birds. This observation was first made by Smith and Crabbe in 1957 (Ref. 18). Gordon, Garside, and Tucker (Ref. 19) also demonstrated that tetracycline-resistant *E. coli* emerge in chickens fed subtherapeutic levels of tetracycline. In their study, chlortetracycline resistance in the *E. coli* isolates dropped when antibiotic use was discontinued, and it rose when chlortetracycline use was reinstituted. Once R-plasmid-mediated tetracycline resistance was established in an *E. coli* strain, the resistance remained during the full course of the study, which was long after the investigators ceased feeding the birds subtherapeutic tetracycline. Further, Harry (Ref. 20) found that coliform (*E. coli*) isolates from chicks fed subtherapeutic chlortetracycline (100 grams/ton of feed) were 100 percent tetracycline-resistant after 8 weeks of treatment, while no resistance developed in coliforms isolated from the nonmedicated control groups. However, when the birds in the control group were mixed with birds in the treatment group, 56 percent of the *E. coli* isolated from birds whose coliforms were previously sensitive to tetracycline became tetracycline resistant, and the coliforms from the medicated group became more sensitive to the antibiotic.

(*b*) In a study sponsored by the Animal Health Institute, Levy et al. (Refs. 21–22) examined changes in the intestinal microflora of chickens, farm dwellers, and their neighbors, before and after the introduction of subtherapeutic tetracycline in animal feed to farms. In the 300 chickens studied, the initial resistance to tetracycline in *E. coli* was less than 10 percent. Within 48 hours after introducing subtherapeutic tetracycline in the birds' diets, almost all medicated birds contained resistant coliforms with R-plasmids bearing multiple transferable resistance to tetracycline, ampicillin, carbenicillin, streptomycin, and sulfonamides in various combinations. After 1 week, the *E. coli* isolated from the chickens were almost entirely tetracycline resistant. In contrast, *E. coli* from the nonmedicated birds had not acquired any antibiotic resistance 2 months after the investigators terminated the use of subtherapeutic tetracycline in their feed. Chickens in the treatment group were still excreting tetracycline-resistant *E. coli*, and cleaning the chicken cages did not alter the excretion pattern.

After subtherapeutic tetracycline use was introduced into the farm environment, the number of antibiotic-resistant bacteria in the flora of the farm dwellers increased, although at a slower rate than in the animals, and no increase was observed in the flora of their neighbors, who were not exposed to the animals. Within 5 to 6 months, 31.3 percent of weekly fecal samples from farm dwellers contained greater than 80 percent tetracycline-resistant bacteria compared to 6.8 percent of the samples from the neighbors. This is statistically significant ($P < 0.001$). Moreover, using a marked resistance gene, Levy was able to demonstrate the direct spread of R-plasmid-bearing *E. coli* among chickens and from chickens to man.

(c) Further, Smith and Tucker demonstrated that *E. coli* donate their R-plasmids to pathogenic *Salmonella* under subtherapeutic tetracycline pressure (Ref. 23). They compared the resistance patterns in *Salmonella* and *E. coli* isolated from unmedicated chickens and chickens fed tetracycline. No antibiotic resistance appeared in the *Salmonella* isolated from nonmedicated chicks, and little appeared in the *E. coli*. Although feeding subtherapeutic oxytetracycline (100 milligrams of oxytetracycline/kilogram of body weight) to chickens for 46 days did not produce a difference in the quantity and duration of *Salmonella* excretion or the coliform number between treated and control groups, it did produce a significant increase in the antibiotic-resistant organisms in the chickens. By the 35th day of the experiment, all *E. coli* and *Salmonella* isolates from approximately 30 percent of the chickens fed subtherapeutic oxytetracycline carried R-plasmids bearing multiple antibiotic resistance. The transmissible patterns of resistance on the R-plasmids included ampicillin, tetracycline, streptomycin, spectinomycin, sulfonamides, colistimethate or combinations thereof. More importantly, any specific resistance pattern observed in the R-plasmids isolated from *Salmonella* was first observed in *E. coli* at least 1 week prior to the emergence of resistance pattern in the *Salmonella*. Long-term feeding of therapeutic levels of oxytetracycline (500 milligrams/kilogram of body weight) likewise did not depress *E. coli* or *Salmonella* excretion by the chickens in this experiment; however, *E. coli* and *Salmonella* in the treatment group developed a higher level of antibiotic resistance than did the birds in the nomedicated control group.

MacKenzie and Bains also showed that quantities of *S. typhimurium* shed by chickens were not reduced by therapeutic levels of oxytetracycline or chlortetracycline (Ref. 24).

(*d*) In a study of the excretion of *Salmonella infantis*, Rantala (Ref. 25) found that birds given subtherapeutic levels of oxytetracycline had statistically significant increases of *Salmonella* in crops and small intestines compared to nonmedicated birds. Other investigations have shown that the subtherapeutic use of antibiotics can increase *Salmonella* shedding and persistence (Garside and Hobbs, Refs. 26, 27).

(*e*) Siegel (Ref. 28) conducted numerous trials on the effect of subtherapeutic tetracycline on *Salmonella* in chickens using *Salmonella* that were both drug-sensitive and drug-resistant. His results are similar to the previously discussed studies. Subtherapeutic oxytetracycline use increased antibiotic resistance in formerly drug-sensitive *Salmonella*, although shedding did not increase. In all treatment groups inoculated with antibiotic-resistant *Salmonella*, shedding was higher than in the nonmedicated group.

(*f*) The literature studies on the use of subtherapeutic tetracycline in chickens demonstrate that such use causes an increase in R-plasmid-bearing *E. coli* and R-plasmid-bearing *Salmonella*. The antibiotic resistance patterns develop first in *E. coli* and then transfer to the pathogen, *Salmonella*. Antibiotic resistance, particularly multiple antibiotic resistance, in *Salmonella* isolated from chickens is increasing as a result of subtherapeutic tetracycline use in the feed.

(ii) *Swine.* (*a*) Mercer et al. (Ref. 29) studied the effect of tetracycline and the subtherapeutic combination of chlortetracycline-sulfamethazine-penicillin on the resistance of *E. coli* isolated from swine. They compared swine on farms using medicated feed with swine grown on other farms where there was no exposure to these antibiotics. On the treatment group farms, 79 percent of the *E. coli* isolated from swine fed subtherapeutic oxytetracycline were tetracycline resistant, and 77 percent of the swine fed the combination exhibited tetracycline resistance. The coliforms from the swine fed the combination were also 79 percent resistant to sulfonamides and 33 percent resistant to ampicillin. No similar resistance patterns devloped on farms where the swine were fed other antibiotic combinations.

In a study by McKay and Branion (Ref. 30), 6-week-old pigs were fed subtherapeutic levels of oxytetracycline (20 grams/ton of feed). Over a 6-week period, *E. coli* and *Aerobacter* isolated from the treatment group developed tetracycline resistance, while bacteria from swine in the nonmedicated control herd did not. In the medicated group, tetracycline resistance also developed in *Bacillus* species.

(*b*) The Animal Health Institute (Ref. 31) supported a study in Kentucky on the effect of subtherapeutic tetracycline use on *E. coli* isolated from swine. The study compared a herd in Coldstream, KY, fed subtherapeutic tetracycline continuously from May 1972 until 1976 with a herd in Princeton, KY, that did not receive antibiotics either therapeutically or subtherapeutically after 1972. Although there was no difference in the total coliform counts between the two herds, the percentage of chlortetracycline-resistant *E. coli* isolates from the antibiotic-free herd dropped from 81 percent to 22 percent in 3 years. During that time, chlortetracycline resistance in *E. coli* from the swine that were continually fed subtherapeutic levels of chlortetracycline remained at 85 percent. Moreover, *E. coli* from the antibiotic-free swine whose resistance to tetracycline markedly decreased, showed a simultaneous and related drop in resistance to ampicillin and streptomycin. This contrasts sharply with the results in the treated herd where resistance to ampicillin and streptomycin remained constant and high. Finally, *E. coli* isolated from the soil and water surroundings of the herd fed subtherapeutic chlortetracycline contained a higher percentage of tetracycline, penicillin, and sulfonamide resistance than did isolates from surroundings of the antibiotic-free herd.

Although Farrington and Switzer (Ref. 32) suggest in a short-term study on antibiotic resistance of coliforms in swine that tetracycline resistance will fluctuate even in animals not fed subtherapeutic levels of the drugs, a Bureau of Veterinary Medicine analysis (Ref. 33) of the allegedly nonmedicated feed used in the Iowa control herd for this study found antibiotics in the feed. In the Director's opinion, this casts serious doubt on the results of that study, if it does not totally invalidate them.

(*c*) After observing antibiotic-resistant coliforms in swine fed subtherapeutic chlortetracycline, Bulling and Stephen (Ref. 34) infected the swine with *Salmonella*. The swine were divided into two basic groups. One group was infected with an antibiotic-sensitive *Salmonella typhimurium*, and one was infected with a sensitive strain of *Salmonella choleraesuis*. These groups were then subdivided into antibiotic treatment and control groups. Although only 2 of the 8 pigs infected with the *S. typhimurium* excreted tetracycline-resistant *Salmonella*, 10 of the 12 pigs infected with *S. choleraesuis* developed salmonellosis and excreted bacteria carrying antibiotic-resistant R-plasmids. Moreover, 3 of the 4 pigs fed subtherapeutic levels of tetracycline developed tetracycline-resistant *S. choleraesuis*.

When Findlayson and Barnum (Ref. 35) found that pigs fed subtherapeutic chlortetracycline excreted primarily coliforms bearing multiple resistance R-plasmids, they postulated that the antibiotic-sensitive *E. coli* had been replaced under antibiotic pressure with other antibiotic-resistant serotypes. They therefore established a limited infection in swine fed antibiotic-sensitive *S. typhimurium*, and found greater numbers of antibiotic-resistant *Salmonella* in tissues and feces of swine fed subtherapeutic chlortetracycline than in the controls (Ref. 36).

In a 1969 study, Sabo and Kromery (Ref. 37) reported that tetracycline-resistant *Salmonella* did not transfer the tetracycline R-plasmid. However, in a 1973 study, they found that 2 of 23 monoresistant strains transferred antibiotic resistance with "good" frequency to an *E. coli* K12 recipient. Accordingly, Sabo and Kromery (Ref. 38) now believe that *E. coli* tetracycline R-plasmids can be transferred from *E. coli* to all *S. choleraesuis* strains, including variants that are fully virulent and can cause fatal enteric disease in man. This, in their opinion, rebuts the earlier concept of Jarolmen (Ref. 38) that virulent smooth variants are poor recipients and donors in contrast to rough avirulent strains.

(*d*) The Bureau of Veterinary Medicine conducted two studies (Ref. 1) designed to measure the effect of subtherapeutic chlortetracycline in feed (100 grams/ton of feed) on swine infected with antibiotic-sensitive or antibiotic-resistant *Salmonella*. When swine fed subtherapeutic chlortetracycline were inoculated with drug-sensitive *Salmonella*, they exhibited less shedding over the duration of the study than did the nonmedicated controls for that study. However, *Salmonella* isolated from medicated swine developed more tetracycline resistance than did those from nonmedicated swine. When the swine were inoculated with tetracycline-resistant *Salmonella*, the medicated animals shed *Salmonella* more persistently, prevalently, and in higher quantities than nonmedicated swine.

(*e*) Epidemiological surveys demonstrate that isolates of *Salmonella* are generally at least 10 to 20 percent R-plasmid-bearing. More importantly, the clinical isolates, i.e., those that caused illness in man and animals and are therefore the principal public health concern, have been reported to have at least 60 percent R-plasmid-determined antibiotic resistance. Some surveys show the resistance as high as 90 percent (Refs. 10, 39 through 45).

In England, where tetracycline resistance in *E. coli* isolated from swine was ubiquitous because of the widespread use of subtherapeutic tetracycline for 15 years in swine feed, Smith (Ref. 46) determined that resistance decreased only slightly in the 4 years immediately following implementation of the Swann Committee's recommendations. He also found that the incidence of swine shedding tetracycline-resistant *Salmonella* had not decreased. Smith, however, did not measure the changes in the multiply resistant bacteria that are documented elsewhere in this notice, and he did find that the proportion of tetracycline-resistant strains of *E. coli* with self-transmissible R-plasmids had declined. Linton (Ref. 47) more recently concluded that there has been little adherence to the recommendations of the Swann Committee in England.

But in Denmark, where the use of penicillin and tetracycline has been restricted since 1972, Larsen and Neilsen (Ref. 48) found that coliforms isolated from 17 swine herds have exhibited a sharp drop in multiple antibiotic resist-

ance (from 68 percent to 9.5 percent) and that there has been a simultaneous increase in the number of tetracycline-sensitive strains (from 3 percent to 36 percent). Changes in resistance were somewhat less dramatic in herds with intermittent antibiotic use or where medicated swine were added to the herd.

(*f*) Again, this information on isolates from swine corroborates the results seen in the swine studies submitted under 21 CFR 558.15 for other animal species. Subtherapeutic tetracycline use causes an increase in R-plasmid-bearing *E. coli* and *Salmonella*; increasingly, the R-plasmids are carrying *E. coli* and *Salmonella*. Finally, overall antibotic resistance is increasing in *Salmonella*.

(iii) *Cattle*. (*a*) In 1958 before knowledge of R-plasmids was widespread, H. William Smith (Ref. 49) studied the effect of subtherapeutic tetracycline in feed on 750 calves. After 12 weeks of exposure, 84 percent of the *E. coli* isolated from the calves were tetracycline resistant, and the coliforms also were largely resistant to steptomycin and the sulfonamides. No tetracycline-resistant *E. coli* were ever isolated from the feces of the 110 animals in the nonmedicated control group. Further, 2 months after termination of the experiment, half of the cattle in the treatment group were still shedding drug-resistant *E. coli*.

Mercer et al. (Ref. 29) studied the effect of subtherapeutic chlortetracycline and sulfamethazine on the development of drug resistance in *E. coli*. The authors compared isolates from farms using medicated feed with isolates from farms using antibiotic-free cattle feed. *E. coli* isolated from calves fed subtherapeutic tetracycline acquired R-plasmid antibiotic resistance while few did in the nonmedicated groups.

In Edwards' study (Ref. 50) of subtherapeutic tetracycline in calves, the number of *E. coli* in the treatment groups was not reduced by the antibiotic, and the resistance in the isolates remained high for the duration of the 10-week study. Resistance dropped when the tetracycline was discontinued at the end of the study. While tetracycline resistance in *E. coli* from the untreated control group was initially high, the percentage of antibiotic-resistant bacteria decreased to nearly zero in the 6th week of the experiment and remained there until the conclusion.

(*b*) An FDA contract study with the University of Missouri (Ref. 51) showed that tetracycline resistance among *E. coli* in calves fed subtherapeutic chlortetracycline went from 19 percent to 95 percent during the study, while tetracycline resistance among *E. coli* in the control group went from 34 percent to 74 percent. Generally, resistance is higher in calves that are fed subtherapeutic antibiotics than in range cattle or dairy cattle, which normally are not fed them. When Wyoming range cattle raised without antibiotics were compared with dairy cows, the antibiotic resistance in the *E. coli* from the range cattle was 9 percent in that survey; the level of tetracycline resistance in the dairy cattle was approximately 50 percent. A study of tetracycline resistance in *E. coli* isolated from calves fed subtherapeutic levels of tetracycline with neomycin (Ref. 54) produced striking results. Although tetracycline resistance in the *E. coli* from calves in the treatment groups averaged 57 percent, no tetracycline resistance was found in *E. coli* isolated from calves that were kept in a separate corral and had never been exposed to antibiotics. On five other ranges, where antibiotics had not been given for at least 1 year, less than 1 percent of the coliforms were tetracycline resistant.

(*c*) Several studies have examined the effect of subtherapeutic tetracycline on the development of tetracycline resistance in *Salmonella* isolated from calves. For example, Loken et al. (Ref. 59) examined the R-plasmid resistance in *Salmonella* isolated from calves fed subtherapeutic chlortetracycline. The authors compared R-plasmids isolated from *E. coli and Salmonella*. When the calves were fed subtherapeutic chlortetracycline, the tetracycline resistance in the *E. coli* isolated increased to 100 percent after 63 days of treatment, and a concurrent increase in ampicillin, streptomycin, and neomycin resistance occurred. The indigenous *Salmonella* developed the tetracycline resistance; they also became multiple resistant.

(*d*) Sato and Kodama (Ref. 60) examined *Salmonella typhimurium* isolated from 36 calves fed subtherapeutic chlortetracycline in a feedlot in Japan. Most strains exhibited greatly increased levels of antibiotic resistance after 20 days.

(c) *Director's analysis*. The independent studies in the literature on the subtherapeutic use of tetracycline in cattle feed show that this use causes an increase in R-plasmid-bearing *E. coli* and *Salmonella*. They also suggest that the R-plasmids in the *E. coli* may be transferred to the *Salmonella*.

7. *Director's conclusions*. The studies submitted by the NADA holders and in the literature show that feeding subtherapeutic tetracycline to chickens, swine, and calves results in an increase in antibiotic-resistant *E. coli* and *Salmonella*, and resistant *E. coli* transfer their R-plasmids to *Salmonella* given sufficient time. When the animals are infected with resistant strains of *Salmonella*, feeding subtherapeutic tetracycline leads to a prolongation of shedding which increases the R-plasmids in the *Salmonella* reservoir. Moreover, the percentage of antibiotic-resistant *Salmonella*, in particular the multiply resistant *Salmonella*, have increased in both man and animals as shown by recent epidemiological studies, and as a result of this plasmid transfer, the patterns of resistance in man and animals are similar. Accordingly, the Director finds that the holders of approved NADA's for subtherapeutic tetracycline use have failed to show that widespread subtherapeutic tetracycline use in animal feed is safe under 21 CFR 558.15.

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C. COMPROMISE OF THERAPY (CRITERION 2(c))

1. *Background and criterion.* The 1972 FDA task force was concerned that the continuous feeding of antibiotics to animals might compromise the treatment of certain animal diseases. It concluded that additional information was needed, and FDA accordingly determined that epidemiological and controlled challenge studies should be carried out to determine the relationship of the use of antibiotics in animal feed to the effectiveness of subsequent treatment of animal disease, which is criterion 2(c) of this notice.

Controlled studies must be undertaken to determine whether or not the administration of an antibacterial drug at subtherapeutic levels results in: disease that is more difficult or impossible to treat with therapeutic levels of the same drug or if it is necessary to resort to another drug for treatment. (Clinical disease must be present as a natural or artificially induced occurrence.)

As the Director explained earlier in this notice, and in the previous notice proposing to terminate approval of penicillin use in animal feed, the subtherapeutic use of antibiotics, including tetracycline in animal feeds, causes an increase in R-plasmid-bearing (antibiotic-resistant) *E. Coli* and *Salmonella*. These R-plasmid-bearing bacteria have become ubiquitous. Further, R-plasmids can transfer among *E. coli* and *Salmonella*, and these antibiotic-resistant organisms have been causing increased disease problems in man and animals. Each step in the process has been clearly and repeatedly documented, and most have been illustrated by the submitted studies conducted under 21 CFR 558.15.

2. *Questions raised by FDA-funded research and literature studies.* Nevertheless, due to the complexity and importance of the compromise of therapy issue, FDA sponsored a study to develop a dis-

ease model with antibiotic-susceptible organisms in a manner that would provide susceptible pathogenic *E. coli* with the opportunity to interact in the intestinal tract with R-plasmid-bearing organisms and develop drug resistance (Ref. 1). A University of Missouri survey for tetracycline-susceptible pathogenic *E. coli*, however, failed to locate an antibiotic-susceptible strain from swine, and therefore a compromise of therapy experiment using tetracycline-resistant pathogenic *E. coli* was performed according to the following design.

(a) *Experimental design.* Swine were fed an unmedicated diet and two diets containing different subtherapeutic levels of the combination chlortetracycline, sulfamethazine, and penicillin; the investigators then measured the effectiveness of therapeutic levels of chloramphenicol (a drug unrelated to chlortetracycline) and chlortetracycline.

Group	Number of animals	Infection with *E. coli*	Oral therapeutic agent (per kilogram of animal)
		Diet 1—Unmedicated	
1	18	No	None.
2	20	Yes	Do.
3	28	Yes	Chloramphenicol—50 milligrams.
4	30	Yes	Chlortetracycline—50 milligrams.

Diet 2—Chlortetracycline (20 g/ton of feed), sulfamethazine (20 g/ton of feed), and penicillin (10 g/ton of feed)

Group	Number of animals	Infection with *E. coli*	Oral therapeutic agent (per kilogram of animal)
1	17	Yes	None.
2	21	Yes	Chloramphenicol—50 milligrams.
3	23	Yes	Chlortetracycline—50 milligrams.

Diet 3—Chlortetracycline (100 g/ton of feed), sulfamethazine (100 g/ton of feed), and penicillin (50 g/ton of feed)

Group	Number of animals	Infection with *E. coli*	Oral therapeutic agent (per kilogram of animal)
1	14	Yes	None.
2	10	Yes	Chloramphenicol—50 milligrams.
3	23	Yes	Chlortetracycline—50 milligrams.

(b) *Director's analysis.* In each diet, chloramphenicol treatment was significantly more effective for the treatment of the disease than was treatment with chlortetracycline. The result, in fact, show that chlortetracycline treatment was ineffective both in the untreated control group and in the groups fed the combination of subtherapeutic antibiotics in the ration.

The Missouri study indicates than animal therapy may be compromised where the pathogen is resistant to the antibiotic used for treatment.

Mackenzie and Baines (Ref. 2) infected broiler chickens with tetracycline, neomycin-, and sulfonamide-resistant *Salmonella typhimurium* collected from a field outbreak of salmonellosis in broilers, and they then compared the results of subsequent tetracycline therapy with therapy with furaltadone and chloramphenicol. While tetracycline therapy did not produce a lower shedding rate than therapy with the other antibiotics, the group given therapeutic tetracycline treatment exhibited a higher mortality rate than the groups treated with furaltadone and chloramphenicol.

Hjerpe (Ref. 3) studied the effect of chlortetracycline therapy on *Pasteurella* isolated from feed lot cattle that had been fed subtherapeutic chlortetracycline. He found that the use of subtherapeutic chlorteracycline caused an increase in *Pasteurella* that were resistant to chlortetracycline, penicillin, sulfonamides, and other antibiotics; more importantly, subsequent chlortetracycline therapy for the treatment of the *Pasteurella* infections in these animals proved unsuccessful.

Therefore, the Director finds that the questions posed by the FDA Task Force have been reinforced by compromise of therapy studies in swine, chickens, and cattle conducted by other independent scientists.

The holders of the approved NADA's submitted nine studies in their attempt to resolve the compromise of therapy issue. After careful consideration of these studies, the Director has found them to be inadequate for various reasons. They are of limited size and scope, and in light of evidence generated from other sources since the regulations and guidelines were established they are inconclusive. The Director believes that only careful long-term epidemiological field studies will be adequate to resolve the question of the extent to which therapy has been compromised.

3. *Compromise of therapy studies in chickens*—(a) *Pfizer Study.* Pfizer studied the effect of parenteral and oral oxytetracycline therapy in artificially infected chickens that had been fed subtherapeutic oxytetracycline. After a 25-day preexposure to subtherapeutic oxytetracycline in the feed, chicks were infected by intramuscular injection with a pathogenic but tetracycline-sensitive *E. coli*. Although subsequent parenteral and oral therapeutic treatment with oxytetracycline (12.5 milligrams/subcutaneously/bird and 500 grams/ton of feed) reduced the mortality rate in the chickens, oral therapy did not produce a reduced incidence of lesions. Moreover, the Director finds the study design to be faulty because the nonintestinal route of *E. coli* infection does not resemble the normal route of infection, and it therefore bypasses the opportunity for the R-plasmid transfer which can occur in the intestine. Pfizer also used a tetracycline-sensitive strain of *E. coli*. As recent evidence demonstrates, antibiotic resistance is now high in the animal population, and this fact is important to the compromise of therapy problem. For these reasons, the Director concludes that the study is inadequate to resolve the compromise of therapy issue.

(b) *American Cyanamid Study.* American Cyanamid conducted a 2-phase study to measure the effects of chlortetracycline in water therapy (1 gram/gallon of water) when chickens were infected with *Salmonella* isolated from other birds that had been fed subtherapeutic chlortetracycline. Cyanamid used the 2-phase study because it had difficulty experimentally inducing fatal oral infections in chicks more than 4 days old. The rate of fatal infection was considered an indication of the adequacy of the experimental infection.

In phase I, one group of chicks was fed subtherapeutic chlortetracycline (200 grams/ton of feed) for 2 weeks, and fecal coliforms were isolated. Then the chicks were orally infected with a nalidixic acid marked strain of a pathogen, *Salmonella gallinarium*. After 2 days fecal *Salmonella* were isolated. Coliforms and *Salmonella* were isolated from an untreated but infected control group in the same manner.

This phase of the study was designed to allow R-plasmids from coliforms to transfer to *Salmonella* during the 2 days in the chick. In Phase II a second group of chicks was inoculated with bacteria obtained from the first group according to the following design:

EXPERIMENTAL DESIGN

Phase I

Group	Number of birds	Subtherapeutic ration	*Salmonella*	Indigenous coliforms
1	10	Nonmedicated.	Yes (31)	C1
2	10	500 g/ton auromycin.	Yes (32)	C2

Phase II

Group	Number of birds	Inoculation	Auromycin therapy 1g/gal H_2O
A	50	C1	No.
B	50	C1	Yes.
C	50	S1 and C1	No.
D	50	S1 and C1	Yes.
E	50	S2 and C2	No.
F	50	S2 and C2	Yes.

Chlortetracycline therapy was instituted 48 hours after the Phase II inoculation. Although therapy proved to be equally successful whether or not the birds were infected with organisms isolated from chicks that had received subtherapeutic tetracycline in Phase I, the basic experimental design did not truly address the compromise of therapy issue. Moreover, the experiment is defective in several other areas. Evidence from literature shows that longer exposure to subtherapeutic chlortetracycline in chicken feed which is consistent with the actual conditions of the drug's use in the field, produces an increase in R-plasmid-bearing bacteria. Phase I of the study was conducted for only 14 days, and the Director finds this truncated aspect of the study inappropriate as a model for an actual field infection. In birds infected with both *Salmonella* and *E. coli*, the orga-

nism had only 2 days to interact and donate R-plasmids, which is inconsistent with normal conditions and conditions in other studies reported in the literature. Finally, the chickens in Phase II were never exposed by any subtherapeutic antibiotics in their feed, which was contrary to the guidelines. The agency developed that aspect of the guidelines to assess the element of concurrent continuous antibiotic exposure, and the Director believes that point is still relevant. For all these reasons, the Director concludes that this study has failed to resolve the compromise of therapy issue.

(4) *Compromise of therapy studies in swine*—(a) *Diamond Shamrock Study No. 1.* Diamond Shamrock conducted a compromise of therapy study for swine using the subtherapeutic combination of chlortetracycline, sulfathiazole, penicillin (CSP-250) in feed and neomycin as the therapeutic agent.

Forty pigs, 4 to 5 weeks of age, were divided into 4 groups of 10 pigs each. Groups A and B served as environmental controls and did not receive CSP-250. Groups C and D were placed on CSP-250 for the first 21 days of the trial. On the 23d day, all four groups of pigs were inoculated with *S. choleraesuis*. Approximately 72 hours after inoculation, neomycin therapy (7 milligrams/pound/day in water) was initiated in groups B and D, and continued for 4½ days.

From the standpoint of growth, weight, and feed/gain, the neomycin treatment group (Group B) performed the poorest of the four groups. Neomycin in the presence of CSP-250 (Group D) was better than neomycin without CSP-250 (Group B), but not significantly better than the CSP-250 group alone or the nonmedicated controls. Because the neomycin shows no therapeutic value, the Director concludes the study is immaterial.

(b) *Diamond Shamrock Study No. 2.* The second Diamond Shamrock study attempted to determine whether an *E. coli* infection of swine was more difficult to treat with nitrofurazone when pigs had been maintained for 3 weeks prior to therapy on chlortetracycline at 100 grams/ton.

Forty 5-week-old pigs were divided into 4 groups of 10 animals each. Two groups did not receive subtherapeutic antibiotics, while two groups were fed subtherapeutic levels of chlortetracycline (100 grams/ton). On the 21st day, pathogenic *E. coli* were added to the feed of all the pigs, and at the first sign of disease one group of pigs from both the medicated and nonmedicated groups was treated with therapeutic furazolidone in water.

Feeding subtherapeutic chlortetracycline to the pigs did not interfere with furazolidone treatment of the experimentally induced disease. However, the pigs were fed chlortetracycline for only 3 weeks before infection, and therapy was initiated at the first signs of disease. These points minimized the opportunity for the transmission of R-plasmids. Also, Animal Health Criteria 1(c) states that the sponsors were to assess the effect of subtherapeutic use of a drug on subsequent therapy by that same or a related drug. Chlotetracycline and furazolidone are not chemically related, and plasmid-mediated nitrofuran resistance rarely occurs in a pattern of resistance with other drugs (Ref. 4). Moreover, because of questions about carcinogenicity, the Director proposed in a notice published in the FEDERAL REGISTER of May 13, 1976 (41 FR 19907) to withdraw approval of the NADA's for the use of furazolidone. Accordingly, the Director concludes the study has failed to resolve the compromise of therapy issue.

(c) *Pfizer Study.* Pfizer carried out a study to determine the therapeutic efficacy of oxytetracycline (500 grams/ton) against induced salmonellosis in pigs previously fed subtherapeutic oxytetracycline (150 grams/ton) for 21 days. The infecting agent was *Salmonella choleraesuis*, given by oral inoculation.

Sixty pigs, 6 to 8 weeks of age, were divided into 2 groups (A and B), which were then further subdivided into groups of 10 each. For 21 days, the 3 subgroups in group A were maintained on a nonmedicated diet while those in group B were fed a similar diet containing subtherapeutic oxytetracycline. On days 22 to 24 all animals were fed a nonmedicated ration. All feed was then withdrawn, and the pigs were infected with the *S. choleraesuis*. One subgroup of groups A and B was fed the treatment ration (oxytetracycline 500 grams/ton) at disease onset and continued for 14 days. The table below summarizes the experimental design.

		Premedicated	Infection with *Salmonella*	Treatment	Mortality	Frequency of diarrhea	Average daily gain kilogram	Average daily feed kilogram †
A	T1	Nonmedicated.	Noninfected	Nonmedicated	0/10, 0 pct	12	0.706	1.62
A	T2	do	Infected	do	3/10, 30 pct	41	.031	.81
A	T3	do	do	Oxytetracycline 550 p/m	0/10, 0 pct	3	.633	1.64
B	T4	Medicated	Noninfected	Nonmedicated	0/10, 0 pct	6	.618	1.53
B	T5	do	Infected	do	6/10, 60 pct	42	−.104	.86
B	T6	do	do	Oxytetracycline 550 p/m	1/10, 10 pct	19	.289	1.06

Pigs that were given therapy after infection (T2 and T5) showed clinical signs of disease 24 hours postinoculation and 100 percent morbidity by 48 to 96 hours. Pathological finding at necropsy were consistent with salmonellosis, and *S. choleraesius* was discovered from all animals that died.

Although oxytetracycline at 500 grams/ton was efficacious in controlling mortality whether or not the animals had been premedicated with oxytetracycline, 150 grams/ton, the results show a trend toward compromise of therapy. (For mortality compare T2 v. T5 and T3 v. T6.) Group A, which was not fed the subtherapeutic antibiotic-containing diet before infection, exhibited a better overall result against frequency of diarrhea and average daily gain. Despite the fact that the differences in the results are not statistically significant, there is no basis for the Director to conclude that the results are the same. For these reasons and the general problems associated with the study's design, the Director concludes the study did not resolve the compromise of therapy issue.

(d) *American Cyanamid study.* American Cyanamid examined the use of the subtherapeutic combination of chlortetracycline - sulfamethazine - penicillin (ASP-250) on the therapeutic effectiveness of sulfamethazine in pigs experimentally infected with *Salmonella choleraesuis*, variety *konzendorf*.

Sixty 4-week-old pigs were divided into 6 groups. Half were fed ASP-250 for 2 weeks, and half were fed plain swine grower mash. One week later 40 of the 60 pigs were inoculated via nonmedicated feed with *S. choleraesuis*. Feed was removed from all groups 18 hours before infection. Sulfamethazine therapy was initiated in one infected group fed ASP-250 and one that was only fed the unmedicated diet when 80 to 100 percent of the pigs in each group showed severe diarrhea (3 days postinfection). The drug was given intraperitoneally at 100 grams/pound of body weight, and daily medication was continued at 50 milligrams/pound until diarrhea had ceased or 14 days postinfection.

Prior subtherapeutic treatment with ASP-250 did not appear to reduce the therapeutic effectiveness of sufamethazine. Nevertheless, the study involved short-term exposure to the subtherapeutic drug. In addition, therapy was administered by an unusual method and not geared to practical therapy. For these reasons, the Director rejects the study as inconclusive.

5. *Compromise of therapy studies in cattle*—(a) *Diamond Shamrock study.* In this experiment, the effect of subtherapeutic chlortetracycline in feed on the oxytetracycline treatment of induced salmonellosis was measured. Twenty-eight calves were distributed into 4 groups of 7 each. Two groups received subtheraputic chlortetracycline 70 milligrams/calf/day), and two did not receive any antibiotic in their feed.

On day 21, tetracycline-sensitive *S. typhimurium* were orally administered to each calf. After fecal samples were taken on day 2, parentral oxytetracycline treatment (5 milligrams/pound body weight/day) was begun in one group of premedicaeted calves and in one group of nonmedicated animals; treatment was continued for 3 days.

Within 2 days of *Salmonella* innoculation, all calves had fevers of 105° F or more; many animals had diarrhea, indicating that disease had occurred. Three deaths occurred in the nontreated group, but none of the group that was treated with oxytetracycline.

Although injection with therapeutic oxytetracycline was successful in reducing the febrile responses and diarrhea in calves inoculated orally with *Salmonella*, the study by no means resolves the compromise of therapy issue. The calves were fed subtherapeutic chlortetracycline for only 21 days before infection; the calves were infected with a tetracycline-sensitive strain of *S. typhimurium;* the *Salmonella* were never exposed to subtherapeutic antibiotics; and therapy was initiated 2 days after introduction. For all of these reasons, the Director finds the study inadequate to resolve the compromise of therapy problem.

(b) *Pfizer study.* In this study of oxytetracycline, 20 calves were allotted in groups of 5 to 4 pens. Two groups were fed a nonmedicated basal ration for 21 days, while the other two groups were fed subtherapeutic oxytetracycline (350 milligrams/head/day). But the medicated diet was terminated after 21 days, and normal ration was substituted. Three days later all calves were innoculated subcutaneously with a strain of tetracycline-sensitive *Pasteurella multocida.* Parenteral oxytetracycline therapy was initiated (5 milligrams/pound/day) immediately and continued for 2 additional days.

The results illustrate that oxytetracycline injected at 5/milligrams/pound following inoculation is effective in controlling tetracycline-sensitive *Pasteurella* that are never exposed to subtherapeutic antibiotics or R-plasmids in the gut.

But this study obviously does not resolve the compromise of therapy issue. Indigenous *E. coli* were only briefly exposed to subtherapeutic oxytetracycline, and the calves were placed on an antibiotic-free diet before inoculation with the *Pasteurella.* This was contrary to the guidelines and sound science. Moreover, the parenteral route of inoculation of the *Pasteurella* did not permit ready association of antibiotic-resistant enteric coliforms and the infecting organism, and after only 3 days' systemic therapy was initiated.

(c) *American Cyanamid study.* The purpose of this experiment was to determine the influence of a combination of subtherapeutic combinations of antibacterials, chlortetracycline and sulfamethazine, on the therapeutic effectiveness of sulfamethazine in calves experimentally infected with *S. typhimurium.* Thirty-two 5- to 6-week-old male calves were divided into 4 groups of 8 animals per group. One group was premedicated with the combination for 2 weeks, while the others received an antibacterial-free diet. Then the premedicated group and the three unmedicated groups were inoculated orally with tetracycline and sulfonamide-sensitive *S. typhimurium.* One day after infection, the premedicated group and an unmedicated infected group were treated with therapeutic sulfamethazine (100 milligrams/pound) for 1 day followed by 50 milligrams/pound/day for 4 additional days. The animals were monitored for 14 days after infection. All of the chlortetracycline-resistant *E. coli* isolated had multiple antibacterial-resistance patterns; the most common pattern was streptomycin, neomycin, kanamycin, triple sulfa, tetracycline, and in some cases ampicillin.

American Cyanamid concludes that feeding subtherapeutic chlortetracycline and sulfamethazine does not interfere with the therapeutic activity of sulfamethazine against *Salmonella typhimurium* in calves. The Director disagrees. The coliforms were exposed to the subtherapeutic antibacterials for only 2 weeks before infection and there was no exposure after inoculation. Thus, the sensitive *Salmonella* were exposed to coliforms without therapeutic antibiotic pressure for only 1 day. Based on this analysis, the Commissioner concludes the study is inadequate for resolving the compromise of therapy issue.

6. *Director's conclusion.* The Director has analyzed all the material submitted by the holders of NADA's submitted under § 558.15 to address the compromise of therapy issue, and the information on this issue gathered from other, independent sources. In his opinion, it fails to resolve the questions about the potential for harm from compromise of therapy that was first raised by the FDA task force; rather, the questions raised have been reinforced by the information that has been subsequently collected.

7. *Optimal level of effectiveness (Animal Health Criterion 4).* This was originally stated as a separate criterion as follows:

> The optimum usage level for each indication of use of the antibacterial drug at subtherapeutic levels shall not increase significantly with continued use.
>
> Once the optimum level is established, a study shall continue over succeeding generations or populations of animals to determine if this same level continues to yield the same mesurable effect.

To address this criterion, the Animal Health Institute submitted the results of a study begun in 1972 which compares the effectiveness of four antibiotics (chlortetracycline, tylosin, bacitracin, and virginiamycin) to a nonmedicated group in swine (Ref. 5). The Director concludes that the study is inadequate to resolve the issue. However, this is in part due to the inability to design studies that would produce meaningful results within a 2-year period. This study was conducted at only one location; tests at several locations are necessary to provide any evidence that may have general application to the swine industry. Moreover, the antibiotics were not fed to the swine at graded dosage levels (dosage titration), which is necessary to determine the optimal level of the drug's effectiveness. That is the first step in attempting to address the concerns. Without that evidence, the Director cannot make any determination about the role of R-plasmid-bearing organisms in the continuing effectiveness and safety of subtherapeutic use of any tested antibiotic in animals.

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D. PATHOGENICITY (CRITERION 3)

1. *Background and criterion.* It is clear that bacterial plasmids contribute significantly to a bacteria's capacity to produce disease and to survive within the host organism (Ref. 1). The production of enterotoxin, for example is an essential factor in the pathogenicity of *E. coli* strains of porcine origin, and Smith and Halls (Ref. 2) demonstrated that this property was governed by a plasmid, termed ENT. Similarly, the genetic determinants for enterotoxin production in *E. coli* isolated from calves and lambs have also been shown to be controlled by transmissible plasmids (Ref. 3). Recent studies support the premise that enterotoxin-producing strains of *E. coli* are also responsible for a significant proportion of previously undiagnosed human diarrheal disease (Refs. 4 through 6). Researchers have now shown that the ability of human *E. coli* strains to make an enterotoxin is also mediated by a transmissible plasmid (Res. 7 and 8).

In addition to toxins, other plasmid-mediated virulence factors have been described. One of the characteristics of the diarrheal disease caused by enterotoxigenic *E. coli* in man or animals is the ability of large numbers of the bacteria to colonize the small bowel. There is evidence that a surface associated antigen, K88, on *E. coli* increase pathogenicity for pigs since it facilitates colonization by helping to overcome intestinal motility and other clearing mechanisms (Refs. 9 through 13). Further, Orskov et al. (Ref. 14) showed that K88 production is governed by a transmissible plasmid. A similar antigen, K99, has been described for calves (Refs. 15 through 17). Moreover, these K-antigens play a role in the host specificity of these pathogens. The K88 antigen from procine isolates is unable to produce adhesion to the calf intestine, and the K99 calf antigen is unable to adhere to the pig intestine (Ref. 15). A similar plasmid-controlled surface antigen has recently been described in a strain of *E. coli*, causing severe human diarrheal disease (Ref. 18).

Another way plasmids can contribute to virulence is exemplified by the colicin V plasmid (Ref. 19). Colicin V is the most common colicin produced by *E. coli*, and pathogenic *E. coli* containing the colicin V plasmid have a greater ability to resist the host species' defense mechanism (Ref. 19). Such *E. coli* also tend to be more refractory to the bactericidal effects of undefined components in serum. In addition, Smith's experiments in chickens and in humans reveal that the colicin V R-plasmid confers on organisms an increased ability to survive in the alimentary tract as well as in the tissue (Ref. 20). On the basis of this evidence, the Director believes that other plasmid-mediated factors that enhance pathogenicity may well be found in the future.

Although pathogenicity is generally determined by more than one factor, the addition of a single specific character to a nonvirulent organism can endow that organism with virulence, and the potential dangers of this character being mediated by a transmissible element are apparent. Because R-plasmids and virulence plasmids can reside in the same bacterial cell, the possibility is increasing that plasmids that contribute to pathogenicity may become more widely disseminated among bacterial species due to the selection of the large reservoir of R-plasmids within enteric organisms.

For these reasons, FDA established Human and Animal Health Safety Criterion 3: "The use of low and/or intermediate levels of an antibacterial drug shall not enhance the pathogenicity of bacteria."

The Food and Drug Administration's guidelines required a series of well designed studies to determine if the use of antibacterial drugs in animal feeds enhances pathogenicity of Gram-negative bacteria. First, the sponsors were to determine if plasmids coding for toxin production could become linked to an R-plasmid and be transferred in vitro. Finally, if this was demonstrated in germ-free anmials, experiments were to be conducted in conventional animals.

Due to the progressional nature of the studies, the Director did not require the sponsors to complete the studies during the time alloted by § 558.15. The sponsors were committed to conduct such studies and to submit reports on the studies at regular intervals. The Animal Health Institute did submit a study conducted by Dr. John Walton to examine the association of plasmid-mediated toxin production with R-plasmids, and data were also obtained from FDA contracts with Dr. Stanley Falkow and Dr. Carlton Gyles.

2. *Walton study*. The Walton study (Ref. 21) reported in vitro transfer experiments using a donor organism bearing both the enterotoxin plasmid and R+ factors antibiotic resistance plasmids and a recipient organism that lacks an R-plasmid. Walton concluded that subsequent selection of R+ transconjugants does not select for enterotoxin production.

The Director finds that the study contained major shortcomings in the procedures used, and he rejects Walton's conclusions as inadequately supported. The enterotoxin-producing strains (containing plasmids termed ENT) used in the experiment were inadequately examined for the frequency of transfer of their ENT plasmids, and the number of R+ transconjugants tested for ENT transfer (20) was insufficient since only a frequency of 5 percent or greater could be detected. From each mating, 20 transconjugant colonies were pooled and subcultured into 100 milliliters of nutrient broth; then they were grown overnight to obtain cells and supernatant fluid to test for toxin production. However, no positive control was included in the experiment to show that, in screening, at least one known ENT positive colony, out of 20 colonies, would actually produce a positive reaction for toxin production. For these reasons, the Director concludes that the study neither conclusively resolves the issue nor provides adequate evidence to support the conclusion that selection for R+ transconjugants does not select for enterotoxin production.

3. *Falkow study*—(a) *In vitro transfer*. On the other hand, Falkow (FDA Contract 73–7210) unequivocally demonstrated that ENT and R-plasmids do cotransfer and that drug selection for the R-plasmid and subsequent clonal screening for ENT was an adequate laboratory tool for detection of cotransfer.

In an in vitro mating, *E. coli* K12 (containing a bovine ENT plasmid, a K-antigen-determining plasmid (K99), and an R-plasmid coding for tetracycline and streptomycin) was crossed to three drug-sensitive *E. coli* K12 recipient strains. The recipient strains were rifampicin resistant, and the donor was rifampicin sensitive. The rifampicin-resistant recipient that received the tetracycline-streptomycin plasmid were recovered on rifampicin-tetracycline drug plates; these recombinant clones were then scored for coinheritance of ENT and K99. Of 225 clones tested (75 from each of the 3 crosses), 2 clones (0.88 percent) received both ENT and K99+. Thus, cotransfer of K99 and ENT plasmid for pathogenicity with the tetracycline-streptomycin drug resistance plasmid was of a low but detectable incidence.

In another in vitro mating study, a bovine enterotoxigenic nonlactose-fermenting *E. coli* isolate (B44) (containing the following plasmids: ENT, K99, and an R-plasmid (R_1) containing genes coding for ampicillin, chloramphenicol, kanamycin, and streptomycin resistance) was crossed with a lactose-fermenting strain of *E. coli*, K92 strain 1485. Lactose-fermenting and chloramphenicol-resistant transconjugants were scored for K99 and ENT.

The incidence of K99 plasmid transfer was 3/37 (8 percent) and the incidence of the ENT plasmid transfer was 9/37 (24.3 percent). Furthermore, the incidence of K99, ENT, and R_1 cotransfer was 3/37 (8 percent).

(b) *In vivo transfer*. Falkow fed B44 *E. coli* bearing resistance (R_1), ENT, and K99 plasmids to baby calves, and in vivo transfer of the (R_1) plasmid to indigenous microflora was monitored. In one experiment, ENT plasmid was cotransferred at an incidence of 3/39 (7.7 percent); however, K99 was not transferred. In another in vivo transfer experiment, the ENT was cotransferred at an incidence of 1/88 (1.1 percent) and cotransfer of K99 did not occur. Furthermore, detection of K99 cotransfer was hampered by the autoagglutination of 50 percent of the transconjugants when slide agglutinations with K99 antisera were performed.

From these experiments, Falkow concluded that possession of an R-plasmid by an enteropathogenic strain does not guarantee cotransfer of ENT or K99; nevertheless, the implications of cotransfer at even a low incidence in the intestinal tract of an animal, should the animal be exposed to the same antibiotics to which the enteropathogen is resistant, has potent public health consequences.

4. *Questions raised by other studies*. (a) Naturally occurring toxigenic strains of *E. coli* are often multiple resistant, and during a recent hospital outbreak of infantile diarrhea in Texas, Wachsmuth et al. (Ref. 23) reported that plasmid-mediated toxin production and multiple antibiotic resistance were demonstrated. Transfer of a 67 x 10^3 and 30 x 10^6 dalton plasmid was associated with the transfer of resistances and enterotoxin production, respectively. Moreover, when antibiotics were used to select *E. coli* K12 recipients from a one-step bacterial cross, all the resistances were concurrently transferred, and 36 percent of these drug-resistant recipient organisms also transferred their ENT plasmids and produced enterotoxin. Clearly, the Director must conclude that R-plasmid transfer can enhance the possibility of ENT transfer and the production of enterotoxin.

(b) Translocation is believed to be the primary mechanism for the dissemination of resistance genes in vivo. Under FDA Contract 223–73–7210, Falkow has been able to show the translocation of antibiotic resistance genes to ENT plasmids in vitro. He also demonstrated that ENT plasmids can acquire resistance genes from R-plasmids if they inhabit the same cell. Ampicillin, sulfonamide, and streptomycin plasmids constructed in vitro by translocation are indistinguishable from such ampicillin plasmids obtained from clinical isolates of *E. coli* and *Salmonella* (Ref. 24).

More recently, Gyles (FDA Contract 223–73–7219) demonstrated the in vivo transfer of ENT plasmids in the intestinal tract of pigs, using the selection of tetracycline-resistant recipient organisms as a basis for screening ENT+ recipient colonies. All of the 35 tetracycline-resistant recipient colonies obtained were shown to bear the ENT plasmid. Gyles also showed that tetracycline resistance and enterotoxin biosynthesis reside on the same plasmid.

5. *Director's conclusions*. The evidence from both in vitro and in vivo experiments demonstrates that ENT plasmids

and R-plasmids can become linked. Only Dr. Walton's study describes data to the contrary; however, his study is inadequate for the reasons discussed. Accordingly, the Director concludes that the existing evidence demonstrates that R-plasmids can increase the pathogenicity of organisms, and inadequate evidence has been submitted to prove the contrary.

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E. TISSUE RESIDUES (CRITERION 4)

1. *The criterion.* The FDA task force expressed concern about the effect of antibiotic residues in food ingested by man on the prevalence and resistance of pathogenic bacteria in humans, and on potential allergic or hypersensitivity reactions. This resulted in Human Health Criterion No. 4:

An antibacterial drug used at subtherapeutic levels in the feed of animals shall not result in residues of the parent compound, metabolites, or degradation products in the food ingested by man which are capable of causing (1) an increase in the prevalence of pathogenic bacteria, (2) an increase in the resistance of patogenic bacteria to antibacterial drugs used in human clinical medicine.

Controlled studies in appropriate test animals shall be conducted to determine whether the consumption of food produced by animals receiving antibacterial drugs will result in:

(a) An increase in the intestinal flora of the prevalence of pathogenic bacteria;

(b) An increase in the degree and spectrum of resistance of the intestinal flora to drugs used in human clinical medicine.

Experimental procedures shall include appropriate consideration of maximum use level, minimum withdrawal time and established tolerances.

In addition, a literature survey shall be conducted to determine the incidence of reports of hypersensitivity resulting from antibacterial drugs in food. The literature survey shall include information regarding hypersensitivity reactions occurring as a result of parenteral or topical exposure to antibacterial drugs as well as those ingested in food. When hypersensitivity has been shown, experiments in appropriate laboratory animals must be conducted to develop estimates of what level of antibacterial drugs in food will cause the production of hypersensitivity.

2. *Background.* Mussman's 1975 report on the United States Department of Agriculture's Drug Residue Monitoring Program (Ref. 2), shows that tetracyclines are among the antimicrobials constituting the bulk of violative residues because they are used therapeutically and subtherapeutically. Violative oxytetracycline and chlortetracycline residues were also detected in 1975 and 1976. When Messersmith, et al., at American Cyanamid (Ref. 3) fed swine three to five times the normal amount of chlortetracycline, sulfamethazine, penicillin combination continuously for 14 weeks, they found residues of less than 1 part per million in all tissues sampled 0.5 and 7 days after withdrawal. The Food and Drug Administration conducted studies in dogs, rats, and hamsters to find a suitable small animal model in which to determine the no-effect level of antimicrobial drugs on the resistance characteristics of the enteric flora (Ref. 4). In dogs fed subtherapeutic oxytetracycline 10 parts per million in their diet, the coliform population shifted from predominantly drug-sensitive to predominantly drug-resistant coliforms. No such shift in drug-resistance occurred in dogs fed oxytetracycline at 2 parts per million or less. The study indicated a theoretical possibility for such a "no effect" level.

3. *American Cyanamid study*—(a) *Experimental design.* American Cyanamid studied the effect of tetracycline-containing chicken tissue on antimicrobial resistance in dogs. For this study, 450 day-old chicks were divided into two groups of 225 birds each. One group was fed subtherapeutic chlortetracycline, while the other group was fed a nonmedicated diet. The chickens were killed on days 55 and 56, and 200-gram tissue samples were prepared on days 58 and 59.

Two groups of 16 adult beagles were fed Purina Dog Chow for 20 days, and on the 21st day the raw chicken was added to this diet. The dogs were fed until day 40 according to the following design.

Treatment group	Daily ration	
	Days 21 to 40	Days 41 to 59
A	200 g Purina Dog Chow. 200 g chicken tissue (nonmedicated).	Purina Dog Chow ad libitum.
B	200 g Purina Dog Chow. 200 g chicken tissue (with chlortetracycline residue).	Do.

Initially, the dog food and chicken tissue were examined for *Salmonella* lactose-fermenting organisms (coliforms). Additionally, raw and cooked chicken tissues from both groups of birds were assayed for chlortetracycline residues. Fresh fecal samples were obtained twice weekly from each dog

and examined for *Salmonella*. Coliforms in the feces were tested for sensitivity to ampicillin, chloramphenical, chlortetracycline, and dihydrostreptomycin. American Cyanamid also examined samples of commercially purchased chicken for bacteria.

(b) *Summary*. Analyses of the dog food and the raw chicken tissue revealed no *Salmonella* or coliforms. *Salmonella* were isolated from the feces of only three dogs, and the isolations occurred on the same day. None of the dogs exhibited signs of clinical salmonellosis.

The level of chlortetracycline residue in the chicken tissue that was fed to the dogs varied from 0.025 part per million in fat to 3.15 parts per million in kidneys. The average concentration in the tissue samples was 0.26 part per million.

In dogs fed the raw chicken, the number of chlortetracycline-resistant coliforms shed increased significantly, as did the number of coliforms resistant to dihydrostreptomycin. Chicken tissue containing chlortetracycline residues also carried two times as many coliforms as tissue without chlortetracycline residues did. Further, chlortetracycline-containing tissue had four times more chlortetracycline-resistant organisms than did the antibiotic-free tissue. Dihydrostreptomycin-resistant coliforms were present at three times the number found in the control tissues. Cyanamid also indicates that cooking tissues at 80° C for 20 minutes may inactivate chlortetracycline residues. American Cyanamid also surveyed a few commercially purchased poultry specimens. The samples contained $1/1000$ the number of coliforms found in the raw tissue fed the animals (10 versus 10^6).

(c) *Director's analysis*. The Director finds that the study has failed to establish conclusively a no-effect level for the selection of resistant organisms for chlortetracycline residues in raw chicken tissue.

4. *Literature survey*. Some drug firms conducted literature surveys on human hypersensitivity to the tetracyclines and to the combination of tetracycline-sulfonamide and penicillin. Anaphylactic reactions to penicillins are common; they may occur as a result of ingestion, contact, or occupational exposure. Dermatological reactions to sulfonamides and to neomycins are frequent (Ref. 4 and 5). The tetracyclines have produced photoallergic and phototoxic reactions, and the hypersensitivity reactions range from skin rashes to angioedema and anaphylaxis. Moreover, cross-sensitization among the tetracyclines is commonly observed. Although hypersensitivity reactions are rare, they are occasionally extremely severe (Ref. 6), and allergic reactions from a skin contact with tetracyclines are common. For this reason, hypersensitivity reactions to tetracycline and the tetracycline products must be considered potentially harmful to man. However, there are no reported incidents of tetracycline hypersensitivity connected with ingestion or handling of tissue with tetracycline residues.

5. *Director's conclusions*. The Director has evaluated the literature and the studies and concluded that the holders of the NADA's have failed to establish conclusively a no-effect level for the tetracycline residues, although there is no evidence that below tolerance the residues pose a public health problem in these areas.

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V. EFFECTIVENESS

In 1970–71 FDA issued a series of FEDERAL REGISTER notices announcing the conclusions of the National Academy of Science/National Research Council Drug Efficacy Study Group which evaluated animal feed premixes containing oxytetracycline and chlortetracycline intended for subtherapeutic use. For mose of those products, the Director has previously issued notices either withdrawing approval of the drugs or concluding that the the labeling claims were revised to comport with the Academy's evaluation. The Director is proposing to complete the process in this notice in accordance with the National Advisory Food and Drug Committee's recommendation that FDA propose to limit subtherapeutic tetracycline use in animal feed to unique, important claims. A condition precedent for any claim is that it be supported by substantial evidence of effectiveness for that claim.

A. OXYTETRACYCLINE

In the FEDERAL REGISTER of May 5, 1970 (35 FR 7089; DESI 8622V), FDA announced the NAS/NRC evaluation of Pfizer's Terramycin TM- premixes, which contain oxytetracycline quaternary salt. The NAS/NRC concluded that these premixes were probably effective when used for the control and treatment of specific diseases of livestock (swine, cattle, sheep, rabbits, and mink) and poultry (broiler chickens, laying chickens, and turkeys), and concluded that use may result in faster gains and improved feed efficiency under appropriate conditions. It also indicated that extensive labeling revisions, restrictions on the claims, and rewording of claims, for which further documentation was required, were necessary.

The Food and Drug Administration concurred with the NAS/NRC's evaluation of the premixes and further concluded that:

(1) The claims for hexamitiasis should be included under the susceptible host.

(2) Appropriate claims regarding faster weight gains and improved feed efficiency should be stated as "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)." (Id.)

B. CHLORTETRACYCLINE

1. *Roche premixes*. The Food and Drug Administration announced the NAS/NRC's evaluation of Roche's Spence Special Premix (each pound contains 4 grams chlortetracycline) and Ark-La Special Swine Premix (each pound contains 2 grams chlortetracycline hydrochloride) in the FEDERAL REGISTER of July 9, 1970 (35 FR 11070; DESI 0173NV).

The Academy concluded that more information was necessary to establish the effectiveness for faster gains and improving feed efficiency in swine. It also disallowed claims for growth promotion or stimulation and indicated that claims for faster gains and/or feed efficiency should be reworded. Finally, the NAS/NRC concluded that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as an active ingredient.

The Food and Drug Administration concurred with this evaluation; however, the agency concluded that the appropriate claim for faster weight gains and improved feed efficiency, if supported by substantial evidence, should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)." (Id.)

2. *American Cyanamid and Nopco premixes*. In the FEDERAL REGISTER of July 21, 1970 (35 FR 11646; DESI 0113NV), the agency published the evaluation of premixes manufactured by American Cyanamid and Nopco containing chlortetracycline at levels ranging from 4 to 50 grams per pound.

a. Aureomycin 50 Feed Premix; contains 50 grams chlortetracycline per pound.

b. Aureomycin MR Feed Premix; contains 25 grams chlortetracycline per pound.

c. Aureomycin 10 Feed Premix; contains 10 grams chlortetracycline per pound.

d. Aurofac-Di contains 5 grams chlortetracycline per pound.

e. Aureomycin Layer Brunch, contains 4 grams chlortetracycline per pound.

f. Deravet; contains 10 grams chlortetracycline hydrochloride per pound.

g. Aureomycin Soluble Powder; contains 25 grams chlortetracycline hydrochloride per pound.

h. Nopco CTC 4/SS; contains 4 grams chlortetracycline per pound and 50 percent sodium sulfate.

i. Nopco CTC 6.66/SS; contains 6.6 grams chlortetracycline per pound and 83.33 percent sodium sulfate.

j. Nopco CTC 10, 25, 50, and 100; contain 10, 25, 50, and 100 grams of chlortetracycline per pound, respectively.

The NAS/NRC rated these products as probably effective for growth promotion and feed efficiency and for the treatment of animal diseases caused by path-

ogens sensitive to chlortetracycline. It also reworded and restricted the claims.

The Food and Drug Administration concurred with these ratings, but it again concluded that the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)" (Id.).

3. *American Cyanamid's chlortetracycline and vitamin products.* In the FEDERAL REGISTER of August 18, 1970 (35 FR 13156; DESI 0115NV), FDA published the NAS/NRC evaluation of American Cyanamid's chlortetracycline and vitamin products:

a. Aureomycin Crumbles; each pound contains 2 grams of chlortetracycline, 250,000 U.S.P. units of Vitamin A, and 25,000 U.S.P. units of vitamin D-3.

b. Aureomycin T.F.-5; each pound contains 5 grams of chlortetracycline and 0.5 milligram of vitamin B-12.

c. Aureomycin T.F.-15; each pound contains 15 grams of chlortetracycline and 1.5 milligrams of vitamin B-12.

The NAS/NRC rated Aureomycin Crumbles as probably not effective for prevention or treatment of bacterial infections or for increasing growth rate in swine, calves, beef cattle, sheep, and horses. However, it concluded that Aureomycin T.F.-5 and Aureomycin T.F.-15 were probably effective for antibiotic activity in the control and treatment of bacterial infections in swine, calves, sheep, and poultry.

The NAS/NRC's reports indicate that (1) more information is necessary to document the value of vitamins and the amounts of vitamins which are added to the preparations, (2) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combinations, and (3) the claims should be reworded and restricted.

The Food and Drug Administration agreed with the Acedemy's findings but it again concluded that the standard wording for the faster weight gains and improved feed efficiency claims should be adopted if supported by evidence of effectiveness (Id.).

4. *Ralston Purina premix.* The Food and Drug Administration evaluated the NAS/NRC report on Purina Aureomycin Etts Medicated (2 grams of chlortetracycline hydrochloride per pound), and published the results in the FEDERAL REGISTER of July 22, 1970 (35 FR 11705; DESI 0035NV).

The Academy concluded that this vitamin-antibiotic preparation is probably not effective for the therapeutic and nontherapeutic claims in hogs, cattle, and sheep. It found that the dose of the chlortetracycline to the animals is frequently low and inconsistent, and it questioned the oral administration for severely ill animals. The Academy also indicated that rewording and restrictions on the claims were necessary in addition to documentation of the value of vitamins in this preparation.

The Food and Drug Administration concurred with the Academy's findings, but it concluded the agency's wording for the faster weight gains and improved feed efficiency claim where supported by evidence of effectiveness was more appropriate. (Id.)

C. DIRECTOR'S CONCLUSIONS

In accord with FDA's conclusion to adopt the recommendation of the Antibiotics in Animal Feeds Subcommittee of the National Advisory Food and Drug Committee that the subtherapeutic use of tetracycline in animal feed be limited to unique, essential claims, the Director has evaluated all of the information available concerning the effectiveness of chlortetracycline and oxytetracycline premixes for subtherapeutic use. Based on this review, the Director is proposing to restrict the use of chlortetracycline and oxytetracycline in animal feed to the following subtherapeutic conditions of use:

OXYTETRACYCLINE

(1) For chickens at 100 to 200 grams per ton of feed as an aid in control of fowl cholera caused by *Pasteurella multocida*. At 100 to 200 grams per ton of feed as an aid in the control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to oxytetracycline.

(2) For turkeys at 200 grams per ton of food for the control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to oxytetracycline.

CHLORTETRACYCLINE

(1) For chickens at 100 to 200 grams per ton of feed as an aid in the control of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline.

(2) For turkeys at 200 grams per ton of feed as an aid in the control of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline.

(3) For beef cattle at 0.5 milligram/pound of body weght per day for control of active infections of anaplasmosis.

(4) For beef cattle at 350 milligrams per head per day in combination with sulfamethazine as an aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.

(5) For breeding sheep at 80 milligrams per head per day as an aid in reducing the incidence of vibrionic abortion.

The safe and effective new animal substitutes for the subtherapeutic tetracycline uses that the Director is proposing to withdraw are contained in Subpart B of 21 CFR Part 558. The drugs and their approved conditions of use are codified as follows:

Arsanilate sodium	558.60
Arsanilic acid	558.63
Bacitracin	558.76, 558.78
Bambermycins	558.95
Carbadox	558.115
Carbasone	558.120
Erythromycin	558.248
Hygromycin B	558.724
Lincomycin	558.325
Monensin	558.355
Oleandomycin	558.435
Roxarsone	558.530
Sulfadimethoxine-ormetoprim	558.575
Virginiamycin	558.635

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VI. CONCLUSION

Pursuant to § 558.15, the holders of approved NADA's for tetracycline-containing drug products intended for addition to animal feeds at subtherapeutic levels have the burden of establishing that this extensive use is safe in accordance with the criteria and guidelines established by that regulation, in addition to the basic requirements imposed by the general safety provisions of the Federal Food, Drug, and Cosmetic Act. The Director, in this notice, has set forth in detail the basis for the criteria and guidelines implementing the regulation and this action. The holders of the ap-

proved NADA's have failed to satisfy the legal requirements imposed by the regulation; they have failed to resolve the basic safety questions that underlie the widespread subtherapeutic use of tetracycline in animal feed.

(a) Bacteria-bearing R-plasmids which confer resistance to multiple antibiotics have become widespread in the environment of man and animals. Antibiotic resistance, medicated by transferable R-plasmids, is increasing in *E. coli*, and *Salmonella*, and other pathogens. The resistance patterns isolate from animals are similar to those in their normal intestinal *E. coli* population, and there is evidence that antibiotic resistance in pathogens can derive from the normal flora by means of R-plasmid transfer. There are well-established routes for the transmission of bacteria between animals and man. The R-plasmids found in bacteria isolated from man and animals are indistinguishable, and common serotypes of these organisms infect both man and animals.

Studies in chickens, swine, and cattle submitted by the holders of approved NADA's confirm that the subtherapeutic use of the tetracyclines will cause an increase in the prevalence of R-plasmid-bearing organisms in animal intestinal flora.

(b) Antibiotic resistance in *Salmonella* can lead to an increase in shedding and therefore contribute to an increase in the *Salmonella* reservoir. The potential for harm arising from a compromise of therapy is well documented. The studies submitted, however, are of insufficient scope and design to demonstrate conclusively that the extensive use of subtherapeutic tetracycline is safe. Epidemiological studies assessing the long-term impact of the increase in R-plasmids on the effectiveness of antibiotics would aid in assessing the extent of the problem.

(c) Evidence demonstrates that R-plasmids controlling pathogenicity, drug resistance, and ability to colonize the intestines can and do cotransfer in vitro and in vivo.

(d) For tissue residues of tetracyclines, FDA studies indicate that a theoretical no-effect level exists for development of transmissible antibiotic resistance (R-plasmid-mediated resistance). American Cyanamid's study and the literature surveys have failed to establish conclusively this no-effect level, although evidence from the Cyanamid study suggests that heating the tissue may inactivate the tetracycline residues.

(e) Under 21 CFR 558.15, the holders of approved NADA's were required to file commitments to conduct studies that would resolve conclusively the safety of the subtherapeutic use of antibiotics in animal feeds and then to conduct those studies. To assure compliance with the latter requirement, the regulation required holders of the approved NADA's to file periodic progess reports on the studies. The Director is proposing to withdraw approval of certain NADA's for which evidence was submitted pursuant to § 558.15 to resolve the safety issues, although he is unaware of any sponsor that filed a commitment to conduct the requisite studies but submitted no evidence. Nevertheless, the Director concludes that the approval of any NADA for which a commitment to conduct appropriate studies was filed but whose holder filed no evidence should be withdrawn on the grounds that the holder of the NADA had failed to establish and maintain records and make reports as required by appropriate regulation.

(f) Finally, the NADA holders have the burden of demonstrating that their products are effective for the indications of use. The Director has evaluated the available evidence on all subtherapeutic claims for effectiveness of tetracycline-containing premixes in conjunction with the recommendation of the Antibiotics in Animal Feed Subcommittee of the National Advisory Food and Drug Committee that products be restricted to the claims that are effective and unique and the NAS/NRC's evaluation of these premixes.

On the basis of the foregoing analysis, the Director is unaware of evidence that satisfies the requirements for demonstrating the safety of extensive use of subtherapeutic tetracycline-containing premixes established by section 512 of the Federal Food, Drug, and Cosmetic Act and § 558.15 of the agency's regulations. Accordingly, he concludes, on the basis of new information before him with respect to these drug products, evaluated together with the evidence available to him when they were originally approved, that the drug products are safe only for the limited conditions of use set forth above.

Therefore, the Director announces he is proposing to withdraw all approvals for tetracycline-containing premix products intended for subtherapeutic uses in animal feed, other than those cited, whether granted under section 512 of the act or section 108(b) of the Animal Drug Amendments of 1968 on the grounds that they have not been shown to be safe and lack substantial evidence of effectiveness for therapeutic use. Notice is hereby given to holders of the approvals listed above and to all other interested parties. If a holder of an approval or any other interested person elects to avail himself of an opportunity for hearing pursuant to sections 512(e)(1)(B), 512(e)(1)(C), and 512(e)(2)(A) and § 514.200 (21 CFR 514.200), the party must file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, a written appearance requesting such a hearing by November 21, 1977, and providing a well-organized and full-factual analysis of the scientific and other investigational data that such person is prepared to prove by January 19, 1977, in support of its opposition to the Director's proposal. Such analysis shall include all protocols and underlying raw data and should be submitted in accordance with the requirements of § 314.200 (c)(2) and (d) (21 CFR 314.200 (c)(2) and (d)).

The failure of a holder of an approval to file timely written appearance and request for hearing as required by § 514.200 constitutes an election not to avail himself of the opportunity for a hearing, and the Director of the Bureau of Veterinary Medicine will summarily enter a final order withdrawing the approvals.

A request for a hearing may not rest upon mere allegations of denials, but it must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person who requests a hearing, making findings and conclusions, denying a hearing.

Four copies of all submissions pursuant to this notice must be filed with the Hearing Clerk. Except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, responses to this notice and copies of references cited in this notice not appearing in journals designated by 21 CFR 310.9 and 510.95 may be seen in the office of the Hearing Clerk, Food and Drug Administration, between 9 a.m. and 4 p.m., Monday through Friday.

If a hearing is requested and is justified by the applicant's response to this notice of opportunity for hearing, the issues will be defined, an administrative law judge will be assigned, and a written notice of the time and place at which the hearing will commence will be issued as soon as practicable.

The Director has carefully considered the environmental effects of this action, and because it will not significantly affect the quality of the human environment, he has concluded that an environmental impact statement is not required for this notice. A copy of the environmental impact assessment is on file with the Hearing Clerk. Moreover, in a notice published in the FEDERAL REGISTER of May 27, 1977 (42 FR 2739), the Commissioner of Food and Drugs requested data concerning the potential environmental impact of a series of regulatory actions, including this one, designed to restrict the subtherapeutic use of antibacterials in animal feeds. If the public discussion and information gathered warrant, a comprehensive environmental impact statement will be prepared, evaluating the

impact of all the actions as a single program.

The Director has also carefully considered the economic impact of the notice, and no major economic impact, as defined in Executive Order 11821 (as amended by Executive Order 11949), OMB Circular A-107, and Guidelines issued by the Department of Health, Education, and Welfare, has been found. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84).

Dated: October 14, 1977.

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

[FR Doc.77-30698 Filed 10-17-77;3:03 pm]

federal register

FRIDAY, OCTOBER 21, 1977
PART V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM—EXISTING HOUSING

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 882]

[Docket No. R-77-469]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Proposed Miscellaneous Amendments

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: The Department proposes to further amend the Section 8 Existing Housing Program regulation to allow the provision of housing assistance to eligible elderly, handicapped, and disabled individuals residing in group residences where supported services are provided. The current regulations do not specifically provide for this type of assistance. In addition, certain other miscellaneous amendments are proposed to clarify certain points and to allow more effective program operations.

DATES: Written comments and suggestions must be received on or before November 21, 1977.

ADDRESS: Comments and suggestions, which should include a reference to the docket number and date of publication, to: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Copies of each communication will be available during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Louise Kleffner, Chief, Existing Housing Branch, Office of Assisted Housing Development, Housing, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-5380.

SUPPLEMENTARY INFORMATION: The Department is proposing further to amend these regulations in response to numerous comments concerning the provision of Section 8 assistance to eligible elderly handicapped, developmentally disabled and otherwise disabled individuals and families who wish to live in group residences which contain shared facilities. The current regulations allow families to be assisted in congregate housing units which have central dining facilities if each unit within the congregate facility has a bathroom and a refrigerator of appropriate size. Concern has been expressed that the regulations are excessively restrictive when applied to group housing residences for eligible mentally and physically handicapped or disabled families and individuals having special needs which could best be fulfilled in supervised living environments.

The definition of families eligible for Section 8 assistance includes families and individuals which are not completely capable of independent living. Since supportive services and special physical amenities are required to house satisfactorily these persons within existing housing, the proposed amendments include an additional category of housing eligible for assistance under the Section 8 Existing Housing Program termed Independent Group Residences, and define the physical and supportive services standards required in units within such facilities. The proposed standards were developed utilizing criteria of various State agencies and national organizations representing the elderly, handicapped and disabled, and are intended to be sufficiently flexible to allow for a range of housing styles and types while maintaining a physical and service environment appropriate to the needs of the occupants.

In addition, certain other miscellaneous amendments are proposed to clarify certain points and to allow more effective program operations.

On May 13, 1976, the Department published in the FEDERAL REGISTER (41 FR 19880) and made effective revised final regulations for the Section 8 Housing Assistance Payments Program—Existing Housing, 24 CFR Part 882, under Section 8 of the United States Housing Act of 1937. Proposed and interim miscellaneous amendments and corrections were published on July 6, 1977.

The following is a discussion of the specific changes being proposed:

1. Resident Assistant is defined in § 882.102 as a person residing in the unit who is essential to the well being and care of eligible elderly, disabled and handicapped families or individuals, and who is not related by blood, marriage, or operation of law to the eligible person(s) receiving supportive services. If the Resident Assistant's income and resources are not available to meet the family's needs and expenses, such income shall be disregarded for purposes of determining the family's income for rent and eligibility. As defined in this section, a Resident Assistant may be housed without paying rent, and an eligible individual or family may be assigned a unit size which is larger than would be assigned in the absence of a live-in Resident Assistant.

2. Independent Group Residence is defined in § 882.102 as privately owned housing for the exclusive residential use of no more than sixteen eligible elderly, handicapped or disabled individuals (including Resident Assistants) who require a planned program of continuous supportive services, but do not require continuous nursing or medical care. Supportive services will vary depending upon the needs of the occupants and will include social services which promote physical activity, intellectual stimulation and/or social motivation; training or assistance with activities of daily living including housekeeping, dressing, personal hygiene and/or grooming; provision of basic first aid skills in case of emergencies; supervision of self-administration of medications, diet and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to, medical facilities.

The Public Housing Agency (PHA) may (1) consider all eligible individuals who will reside in an Independent Group Residence as a Family, utilize the combined income of the Family members for purposes of determining income for eligibility and Gross Family Contribution, and execute one Certificate, Lease and Contract for the Family, or (2) execute a separate Certificate, Lease and Contract for each eligible individual who will reside in an Independent Group Residence and allocate the gross rent among the total number of occupants in the Independent Group Residence in an equitable manner for purposes of determining the Housing Assistance Payment for each individual. However, if an applicant who is eligible as an individual would be determined ineligible based on the combined family income, the PHA shall issue a separate Certificate, Lease and Contract for each eligible individual who will reside in an Independent Group Residence.

3. Service agency is defined in § 882.102 as a public or private non-profit organization recognized by the PHA as qualified to determine the supportive service needs of individuals who will reside in Independent Group Residences, and monitor the quality of the supportive services furnished. The service agency may provide all or a portion of the supportive services, or may identify and coordinate appropriate local, public or private resources to furnish these services.

4. Section 882.103 is being clarified to emphasize that the "Finders-Keepers" policy applies to Families who wish to reside in Congregate Housing or Independent Group Residences.

5. The housing quality standards for Congregate Housing in § 882.109 are being revised to specify that a private bathroom shall be accessible only from within the unit, and that the central dining facility to provide meals by a food service or persons other than the occupants shall be contained within the congregate facility and shall be for the exclusive use of the occupants or their guests.

6. Special housing quality standards for Independent Group Residences in § 882.109 are being required as follows:

(1) *Sanitary Facilities*—bathrooms may be shared by no more than four persons; appropriate space and safety features must be provided for the physically handicapped;

(2) *Food Preparation and Refuse Disposal*—kitchens may be shared by some or all of the units;

(3) *Space and security*—emergency exit plans and phone numbers must be posted, fire extinguishers, smoke detectors and first aid supplies provided, and regular fire inspections concluded;

(4) *Structure and Materials*—housing for the handicapped shall not contain architectural barriers which impede access or use;

(5) *Site and Neighborhood*—housing must be accessible to appropriate medi-

cal, commercial and community service facilities;

(6) *Supportive Services*—a planned program of supportive services and supervision appropriate to the needs of the occupants shall be provided on a continuous basis by a qualified Resident Assistant(s) residing in the unit, or other qualified person(s) not residing in the unit, who will provide such services on a continuous, planned basis. Supportive services shall not include the provision of continuous nursing or medical care. The provision and quality of the planned program of supportive services, including the minimal qualifications, quantity and working hours of the Resident Assistant(s) living in the unit or other person(s) providing daily supportive services, shall be initially determined by, and monitored throughout the term of the Contract, by a public or private nonprofit service agency which the PHA has determined is qualified to certify that the supportive services needs of the occupants are being met. The PHA shall also be responsible for monitoring compliance with this housing quality standard;

(7) *Licensing*—Independent Group Residences shall be licensed by appropriate State or local agencies, created by the State to establish, maintain, and enforce appropriate standards, to insure that facities and the supportive services are appropriate to the needs of the occupants.

7. Section 882.110 Types of Housing, is being revised to specify that persons residing in nursing homes, other facilities providing continuous medical or nursing services, and units within the grounds of penal, reformatory, medical, mental and similar public or private institutions are not eligible for assistance under this program, and that eligible families and individuals must be ambulatory or mobile non-ambulatory (mobile with or without the assistance of wheelchairs or other devices) and capable of taking appropriate actions for their own safety in the event of a fire or other emergency.

This section specifies that self-contained apartments and houses, congregate housing units, and group residences are eligible types of Independent Group Residences provided they meet the prescribed housing and services standards.

In addition, the Gross Rent for an Independent Group Residence cannot exceed the Fair Market Rent applicable to the total number of bedrooms contained within the residence: *Provided, however,* That residences consisting of more than six units /bedrooms may utilize the Fair Market Rents for efficiency and one bedroom units depending upon the amount of private space provided in each unit/bedroom.

In determining the reasonableness of the proposed Gross Rent for an Independent Group Residence the Public Housing Agency shall consider whether kitchen and bathroom facilities are shared, and whether special amenities or maintenance and/or management services are provided. Costs for providing or serving food, furniture, housekeeping or laundry services, or supportive services such as physical therapy equipment, or salaries of Resident Assistants, counselors, dietitians and other personnel shall not be included in the Contract Rent.

8. Section 882.110(c) is being revised to make applicable to Section 221(d)(3) market interest rate projects the restrictions concerning the provision of Section 8 assistance to occupants in certain types of subsidized projects since rent supplement assistance is often allocated to units within these projects.

9. Section 882.112 Security and Utility Deposits, is being revised to specify that for new leases the Owner may obtain a deposit from the Family in the amount payable by the Family toward the Gross Family Contribution or $50, whichever is greater. The rationale for requiring a minimum security deposit, where the Owner chooses to collect a security deposit from the Family, is to insure greater Family responsibility for maintaining the unit. In addition, this section provides that for units leased in place, security deposits previously collected in excess of the Gross Family Contribution or $50, whichever is greater, do not have to be refunded until the Family vacates the unit. This section is also being revised to permit an owner who chooses not to collect security deposit to qualify for reimbursement for unpaid rent or other amount owed under the Lease in an amount not to exceed the difference between the Contract Rent and the greater of the initially determined Gross Family Contribution, or $50.

10. Sections 882.209(b)(4), 882.209(c)(4), and 882.210(a)(2) are being revised to delete the requirement that the Owner and the Family each certify on the HUD dwelling unit inspection form that the unit complies with the PHA's housing quality standards. The Department has determined that these certifications are not necessary since the PHA must inspect the unit to determine that it is decent, safe, and sanitary in accordance with the housing quality standards. In addition, research findings indicate that less than 50 percent of the Certificate Holders actually receive and use the unit inspection form, and that a comparable number of PHAs feel the tenant and owner inspection is of no value. The dwelling unit inspection form will still be given to the Family and be available to the Owner so that they will be advised of the standards to be used by the PHA in its inspection of the unit. The Owner, Family and the PHA may conduct a joint inspection of the unit.

11. Section 882.213 has been retitled and is being revised to specify that if a Family is no longer eligible for the Fair Market Rent for the size of the unit stated in its Certificate of Family Participation because of a reduction in family size, the Family and the PHA shall try to find an acceptable unit as soon as possible, and that if the lease with the first Owner can be terminated with its terms, the Contract shall be terminated and housing assistance payments be made available to the family for occupancy in the acceptable unit. The Certificate will be amended to require as a condition that the Family cooperate with the PHA in finding another unit.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a Finding of Inapplicability of inflation impact statement requirements has been made in accordance with HUD procedures. Copies of these findings are available for public inspection in the Office of the Rules Docket Clerk during regular business hours, at the address specified above.

Accordingly, 24 CFR Part 882 is proposed to be amended as follows:

§ 882.102 [Amended]

1. In § 882.102, following the definition of "Income," insert a new definition as follows:

* * * * *

Independent Group Residence. Privately owned housing for the exclusive residential use of no more than sixteen eligible elderly, handicapped or disabled individuals (including Resident Assistants) who require a planned program of continuous supportive services or supervision, but do not require continuous nursing or medical care. Supportive services will vary depending upon the needs of the occupants and include social services which promote physical activity, intellectual stimulation and/or social motivation; training or assistance with activities of daily living including housekeeping, dressing, personal hygiene and/or grooming; provision of basic first aid skills in case of emergencies; supervision of self-administration of medications, diet and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to, medical facilities.

* * * * *

2. In § 882.102, following the definition of "Rent Credit," Contract (ACC)", insert a new definition as follows:

* * * * *

Resident Assistant. A person who resides in the unit with one or more elderly, disabled or handicapped individuals or families, provides daily supportive services to such person(s), is essential to such persons care or well being, and is not related by blood, marriage or operation of law to the eligible person(s) receiving assistance. A Resident Assistant who will reside in the unit may be considered a Family member for purposes of determining the appropriate unit size. If the Resident Assistant does not contribute a portion of his or her income and resources towards the Family's combined expenses, the Resident Assistant's income shall be disregarded for purposes of determining the Gross Family Contribution and the Family's income for eligibility for housing assistance. See also § 882.109(n)(6). The PHA may (1) consider all eligible individuals who will reside in an Independent Residence Group as a Family, utilize the combined income

of the Family members for purposes of determining income for eligibility and Gross Family Contribution, and execute one Certificate of Family Participation, Lease and Contract for the Family; or (2) execute a separate Certificate of Family Participation, Lease and Contract for each eligible individual who will reside in an Independent Group Residence and the Gross Rent shall be allocated by the PHA among the total number of occupants in the Independent Group Residence in an equitable manner for purposes of determining the Housing Assistance Payment for each individual, except that, if applicant who is eligible as an individual would be determined ineligible based on the combined family income, the PHA shall issue a separate Certificate of Family Participation, Lease, and Contract for each eligible individual who will reside in an Independent Group Resident. See §§ 882.109(n) and 882.110 (a) and (b).

* * * * *

3. In § 882.102, following the definition of "Secretary," insert a new definition as follows:

* * * * *

Service Agency. A public or private non-profit organization which is recognized by the PHA as qualified to determine the supportive service needs of individuals who will reside in Independent Group Residences, and monitor the quality of the supportive services furnished. The service agency may provide all or a portion of the supportive services, or may identify and coordinate appropriate local, public or private resources to furnish these services. See § 882.109(n).

4. Insert the following at the end of § 882.103(b):

§ 882.103 Finders-Keepers Policy.

* * * * *

(b) * * * The provisions of this section shall apply to all holders of Certificates including those who are residing in or may wish to reside in Congregate Housing or Independent Group Residences.

* * * * *

5. Revise § 882.109(m) and insert a new § 882.109(n) to read as follows:

§ 882.109 Housing quality standards.

* * * * *

(m) *Congregate Housing.* The foregoing standards shall apply except for paragraph (b) of this section and the requirement in paragraph (c)(2) of this section for a kitchen area. In addition, the following standards shall apply:

(1) The unit shall contain a refrigerator of appropriate size.

(2) The sanitary facilities described in § 882.109(a) shall be accessible from within the unit.

(3) The central dining facility and central kitchen shall be located within the building, shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner by a food service or persons other than the occupants and shall be for the exclusive use of the occupants or their guests. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(n) *Independent Group Residence.* The foregoing standards shall apply except for paragraphs (a), (b), (c), (f), (k), and (m) of this section. In addition, the following standards shall apply:

(1) Each unit shall have ready access to a flush toilet which can be used in privacy, a fixed basin with hot and cold running water, and a shower and/or tub equipped with hot and cold running water all in proper operating condition and adequate for personal cleanliness and the disposal of human wastes. These facilities shall utilize an approved public or private disposal system, and shall be sufficient in number so that they need not be shared by more than four occupants. Those facilities accommodating physically handicapped occupants with wheelchairs or other special equipment shall provide access to all sanitary facilities, and shall provide, as appropriate to needs of the occupants, basins and toilets of appropriate height; grab bars to toilets, showers and/or bathtubs; shower seats; and adequate space for movement.

(2) A separate kitchen or a shared kitchen containing suitable space to store and prepare food in a sanitary manner shall be provided. A central dining area shall be available within the Independent Group Residence for the serving of meals in a sanitary manner in housing providing shared kitchen facilities. A cooking stove or range, a refrigerator(s) of appropriate size and in sufficient quantity for the number of occupants, and a kitchen sink with hot and cold running water shall be present in proper operating condition. The sink shall drain into an approved private or public system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(3) The dwelling unit shall afford the Family adequate space and security. A living room, kitchen, dining area, bathroom, and other appropriate community space shall be accessible to the unit and the dwelling unit shall contain at least one sleeping room of appropriate size for each two persons. Exterior doors and windows accessible from outside each residence shall be capable of being locked. An emergency exit plan shall be developed and posted in plain view, and occupants shall be apprised of the details of the plan. Regular fire inspections shall be conducted by appropriate local officials, and notice of these inspections shall also be posted. Readily accessible first aid supplies, fire extinguishers and smoke detectors shall be provided throughout the facility and emergency phone numbers (police, ambulance, fire department, etc.) shall be clearly posted at every phone and provided to each occupant. All emergency and safety features and procedures shall meet applicable State and local standards.

(4) The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition. Facilities accommodating physically handicapped occupants with wheelchairs and other special equipment shall not contain architectural barriers which impede access or use, and handrails and ramps shall be provided as appropriate.

(5) The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants, and shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibrations or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards. The facility shall be accessible to medical and other appropriate commercial and community service facilities.

(6) *Supportive Services.* A planned program of supportive services appropriate to the needs of the occupants shall be provided on a continuous basis by a qualified Resident Assistant(s) residing in the unit, or other qualified person(s) not residing in the unit, who will provide such services on a continuous, planned basis. Supportive services include social services which promote physical activity, intellectual stimulation and/or social motivation; training or assistance with activities of daily living including housekeeping, dressing, personal hygiene and/or grooming; provision of basic first aid skills in case of emergencies; supervision of self-administration of medications, diet and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to, medical facilities. Supportive services shall not include the provision of continuous nursing or medical care. The provision and quality of the planned program of supportive services, including the minimal qualifications, quantity and working hours of the Resident Assistant(s) living in the unit or other person(s) providing continuous supportive

services, shall be initially determined by, and monitored throughout the term of the Contract, by a public or private non-profit Service Agency which the PHA has determined is qualified to certify that the supportive services needs of the occupants are being met. The PHA shall also be responsible for monitoring compliance with this housing quality standard.

(7) *Licensing.* Independent Group Residences shall be licensed by appropriate State or local agencies, created by the State to establish, maintain, and enforce appropriate standards, to insure that facilities and the supportive services are appropriate to the needs of the occupants.

6. Revise § 882.110 (a) and (b) and is the first sentence of § 882.110(c), insert the following prior to subparagraph (1):

§ 882.110 Types of housing.

(a) Any type of Existing Housing meeting the housing quality standards may be utilized under this part, except nursing homes, units within the grounds of penal, reformatory, medical, mental and similar public or private institutions, and facilities providing continuous medical or nursing services. Examples of Existing Housing which may be utilized include, but are not limited to, privately owned apartments, houses and congregate housing units; existing FHA insured, Section 202 direct loan, Farmers Home Administration (FmHA) insured or direct loan, or VA guaranteed properties; properties held by the Secretary, or properties sold by the Secretary on which the Secretary has taken back a purchase money mortgage. Eligible types of Independent Living Residences include, but are not limited to, self-contained apartments and houses and congregate housing units: *Provided,* They meet the requirements of § 882.109(n). (See paragraph (c) of this section.)

(b) (1) Congregate housing may be utilized for eligible elderly, handicapped, disabled or displaced families or individuals. Independent Living Residences shall be utilized for eligible elderly, handicapped or disabled Families or individuals which require a planned program of continuous supportive services; such persons shall not require continuous medical or nursing care and shall be ambulatory or mobile non-ambulatory (mobile with or without the assistance of wheelchairs or other devices) and capable of taking appropriate actions for their own safety under emergency conditions.

(2) The Fair Market Rent for each congregate housing unit shall be the same as for 0-bedroom units, except that, if the unit consists of two or more private rooms, the Fair Market Rent shall be the same as for a 1-bedroom unit. The Fair Market Rent for an Independent Living Residence shall be the Fair Market Rent applicable to the total number of bedrooms contained within the residence: *Provided, however,* That for a residence consisting of more than 6 units/bedrooms, the Fair Market Rent for each unit shall be the same as for 0-bedroom units, except that, if the unit consists of two or more private rooms, the Fair Market Rent shall be the same as for a 1-bedroom unit.

(3) In determining the reasonableness of the rents, consideration shall be given to the presence or absence of common rather than private cooking, dining and sanitary facilities and the provision of special amenities or maintenance and/or management services. The Contract Rent shall not include the cost of providing supportive services, housekeeping or laundry services, furniture, food, or serving food.

(c) In any Section 221(d)(3) below market interest rate (BMIR) or market interest rate (MIR), Section 202, Section 236 (insured or non-insured), FmHA Section 515 interest credit project: * * *

7. Revise § 882.112(a) to read:

§ 882.112 Security and utility deposits.

(a) (1) At the time of the initial execution of a lease, an Owner may require a Family to pay a security deposit in an amount equal to the Gross Family Contribution or $50, whichever is greater. For units leased in place, security deposits collected prior to the execution of a Contract which are in excess of the Gross Family Contribution or $50, whichever is greater, do not have to be refunded until the Family vacates the unit subject to the lease terms. If a Family vacates the unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease.

(2) If the Family has provided a security deposit in the amount of the Gross Family Contribution or $50, whichever is greater, and the security deposit is insufficient for the reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainer of one month's Contract Rent. If the Owner did not collect a security deposit from the Family, or if the Owner collected a security deposit smaller than the Gross Family Contribution or $50, whichever is greater, the Owner may claim reimbursement from the PHA for any unpaid rent or other amount owed under the Lease. The reimbursement shall not exceed an amount equal to the difference between the Contract Rent and the greater of the initially determined Gross Family Contribution or $50.

(3) Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

* * * * *

§ 882.209 [Amended]

8. Revise § 882.209(b)(4) to read:

* * * * *

(b) * * *

(4) The PHA's forms for inspection of housing units.

* * * * *

9. Revise § 882.209(c)(4) to read:

* * * * *

(c) * * *

(4) Applicable housing quality standards;

* * * * *

10. Revise the first sentence of § 882.210(a)(2) to read:

§ 882.210 Requests for lease approval.

(a) * * *

(2) When a Family has found a unit it wants and the Owner is willing to lease, the Family shall submit to the PHA a Request for Lease Approval signed by the Owner of the unit and the Family.

* * * * *

11. Revise § 882.213 to read as follows:

§ 882.213 Overcrowded or under occupied units.

If the PHA determines that a dwelling unit is not Decent, Safe, and Sanitary by reason of increase in Family size, or the Family is no longer eligible for the Fair Market Rent for the size of unit stated in its Certificate of Family Participation because of a reduction of Family size, the Family and PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable."

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., October 7, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc.77-30674 Filed 10-20-77;8:45 am]

federal register

FRIDAY, OCTOBER 21, 1977

PART VI

ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Revision to Emission Testing Procedure

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL-779-1]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Revision to Emission Testing Procedure

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This is a proposal to amend the procedures (40 CFR Part 86) by which new light-duty vehicles (LDV's) and new light-duty trucks (LDT's) are tested for purposes of determining compliance with applicable Federal regulations established under the authority of the Clean Air Act, as amended. The proposed action would permit EPA to test these vehicles with their engines adjusted to any setting within the physically adjustable range prior to testing, rather than set precisely to the manufactuer's specifications. The Environmental Protection Agency (EPA) is proposing this because data indicate that significant numbers of vehicles which were certified as being capable of meeting applicable emission standards (when operated in accordance with manufacturers' instructions and adjusted to manufacturers' recommended specifications) are exceeding the standards in actual use due to maladjustments. The purpose of this amendment is to require these vehicles to meet the standards even when maladjusted, or conversely to motivate manufacturers to effectively reduce the feasibility and likelihood of vehicles being adjusted to other than manufacturer's specifications.

DATES: Comments must be received on on before December 20, 1977.

ADDRESS: Written comments may be submitted to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Paul Lapsley, Regulatory Management Staff, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.

SUPPLEMENTARY INFORMATION:

BACKGROUND AND PURPOSE

Currently, to determine compliance with emission standards in certifying new vehicles for sale and during testing of new production motor vehicles under the Selective Enforcement Auditing (SEA) program, EPA tests vehicles with their various adjustable parameters (e.g., ignition timing, idle air/fuel mixture) set to the manufacturer's specifications. However, these parameters are amenable to adjustment on in-use vehicles to settings other than those prescribed by the manufacturer. Such maladjustment can cause a vehicle that demonstrated emission compliance in certification and SEA to substantially exceed standards in use.

There are a number of possible reasons for the occurrence of such in-use maladjustments. Non-adherence by mechanics to manufacturer's instructions is probably prevalent, for many mechanics are believed to adjust an engine by outdated procedures that they learned some time ago and that are improper for new, emission-controlled cars and trucks. In addition, many mechanics believe that adjustments to specifications other than the manufacturer's will cure driver-perceived performance compalints about acceleration, quality of idle, and cold starting.

The Environmental Protection Agency has monitored exhaust emissions from in-use vehicles since 1971 in a program commonly referred to as the Emission Factor Program (EFP). This monitoring has established that many in-use vehicles generate emissions substantially in excess of the standards for which they were originally certified. It was found from the analysis of the FY 74 EFP[1] that 63 percent of the 1975 model year vehicles that were tested failed to meet the standards for one or more pollutants. Of 587 1975 model year vehicles tested, 49 percent failed because of high CO levels only or in combination with other pollutants. Another study, called the Restorative Maintenance Study, was initiated to better evaluate why such a large percentage of these vehicles had excessive emissions and to determine if normal emissions performance could be restored. The preliminary results from this study[2] provide more definitive information about the frequency of occurrence of maladjustment and disablement. About 47 percent of the one hundred vehicles tested in one city had broken or missing idle limiter caps, and 33 percent were considered to have had a maladjusted idle mixture (greater than 0.5 percent CO at idle). Approximately 21 percent of the vehicles tested in that city exhibited problems with the exhaust gas circulation (EGR) system, 21 percent had problems with the spark advance system, 12 percent had problems with the air induction system and 23 percent had problems with the choke system. The idle mixture problems, most of the spark advance and most of the choke problems are in the category of maladjustment, whereas EGR and air induction system problems are considered disablement problems. The significant result of these preliminary findings is that most of those vehicles initially failing the FTP because of maladjustment were determined to be in compliance after measures were taken to restore the vehicles to a proper state of adjustment.

To reduce excess emissions due to maladjustment of emission sensitive parameters, this proposed change in the regulations provides that any LDV or LDT which has adjustable engine or emission control parameters may be tested or caused to be tested by the Administrator at any setting selected by EPA within the physically adjustable range. As a matter of practice, it is anticipated that even after this regulation is promulgated the adjustable settings on test vehicles will still in most cases be set as recommended by the manufacturer, since it is expected that the manufacturer will physically limit or preclude the adjustability of these parameters to settings other than those recommended.

Making it difficult to maladjust vehicles is, of course, the intended purpose of the proposed regulation. If EPA determines that it is reasonable to expect a particular vehicle design to be adjusted in-use to settings beyond the manufacturer's specifications, EPA will test the vehicle adjusted to such settings. Thus, the net effect of this revision of the testing procedures will be to foster limited adjustability of certain parameters (or to render such adjustments as are retained irrelevant from an emissions perspective), and thus provide greater assurance that new motor vehicles beginning with the 1980 model year will comply with the emission standards while in actual use. By requiring test vehicles to meet emission standards in a state of adjustment that is more likely to occur in vehicles in use, this proposal would not cause EPA's emission standards to be more stringent than those prescribed by section 202 of the Act.

This regulation will be applied primarily in the Certification and Selective Enforcement Audit phases of the Federal Motor Vehicle Control Program, but will also be applicable across all elements of that program to the extent that it clarifies that vehicles certified and subject to SEA audit under its provisions will be deemed properly maintained with regard to adjustable parameters as long as they are set anywhere in the physically allowable range of adjustability.

These regulations will not alter current EPA practice with regard to testing in support of recall activities under section 207 of the Clean Air Act. For purposes of such testing vehicles that are determined to be adjusted within the physically adjustable range will be tested in their "as-received" condition. A determination for purposes of certification or SEA that any parameter has a limited physical range of adjustability will not constitute a determination of the physical limitations on the adjustment, insofar as vehicles in-use are concerned. Accordingly, vehicles found in states of adjustment beyond the limits conformed with during certification or SEA may still be considered to be properly main-

[1] Copies of this study, "Automobile Exhaust Emission Surveillance Analysis of the FY 1974 Program—EPA 460/3-76-019" (September, 1976), may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 2261.

[2] Copies of this study, "Interim Report on the Restorative Maintenance Program for 1975-76 Model Year Vehicles" (February, 1977), are available from the Printing Management Section (PM-215), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

tained and used for the purposes of recall or emission warranty claims under section 207, assuming all other relevant criteria for proper maintenance and use are met.

Throughout the preamble, the terms "adjustable" parameters and "adequate" or "inadequate" physical limits are the result of determinations based on information considered during certification. These determinations may subsequently be revised if available evidence indicates a revision is appropriate. For example, if production vehicles are manufactured with physical limits on an adjustable component which do not in fact limit adjustment, the limits may be exceeded during SEA. Similarly, although a parameter may be considered inaccessible during certification due to, for instance, the adequacy of a seal on the prototype hardware, if at the time of an SEA inspection it has been determined that in actual use the seal is frequently removed, such seal may be removed and the adjustment mechanism adjusted to its physical limits in SEA.

ALTERNATIVES CONSIDERED

A number of alternative actions, other than the proposed amendment to the certification regulations, were considered as having the potential for ameliorating the problem of excessive emissions from in-use vehicles resulting from maladjustment of vehicle parameters. These alternatives, and the reasons for rejecting them in favor of the proposed action, are discussed below.

1. *Prohibit most maintenance during the 50,000 mile durability test.* The certification testing regulations allow manufacturers to perform certain maintenance operations during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser, to the degree that such maintenance is reasonable and likely to be performed in actual use.

Consideration was given to revising the testing regulations to prohibit most maintenance at any point during the 50,000 mile test procedure. Such a revision to the regulations would require manufacturers to initiate changes in vehicle design to minimize the need for maintenance. However, such a requirement would not necessarily result in manufacturers eliminating or limiting adjustable parameters. Therefore, even though not recommended by the manufacturer, adjustments could still be made which adversely affect the emissions performance of the vehicle. Such adjustments may be made in an attempt to improve some driver-perceived performance characteristic of the vehicle (cold start, idle, etc.) and would be likely to occur if the adjustments were easily performed. Thus, prohibiting most maintenance during certification testing would not preclude the possibility of in-use vehicles being maladjusted.

2. *Promulgate action to prevent both maladjustment and disablement.* The Restorative Maintenance Study, cited above, identified two major problem areas associated with in-use emissions performance: disablement and maladjustment of emission control systems.

Disablement of emission control systems can include such things as disconnected or crimped vacuum lines, broken pressure transducers, bent EGR control bodies, etc., and in all cases appears to involve purposeful action to counteract the function of emission control devices. Maladjustment of emission control systems and adjustable engine parameters, on the other hand, appear to be the result of less than full competence on the part of service personnel, of attempts to improve perceived vehicle performance, or of accidental occurrences (e.g., adjustment screws vibrating loose).

The preliminary results of the Restorative Maintenance Study suggest that elimination of both maladjustment and disablement problems would be desirable. Unfortunately, the technological problems and associated costs involved in completely precluding disablement currently appear to be prohibitive. With enough time, skill, effort, tools and determination, anything can be done to disable emission controls. However, some emission control components are amenable to changes in construction which would reduce the likelihood of disablement (e.g., to ensure that air pumps are not disabled by simply cutting the drive belt provide that another essential component such as the alternator or water pump is driven by the same belt and, to prevent substituting belts which would bypass the air pump, provide that the air pump pulley is placed so as to interfere with a drive belt which would directly couple the driving pulley to the alternator). Therefore, EPA is requesting comments regarding any means by which emission control components could be made less susceptible to disablement. These comments should address the economic and technological aspects of implementing any proposed method to reduce disablement and will be considered in the development of the final rule.

Although it is not at this time feasible to propose specific means to alleviate the disablement problem, EPA will consider proposal and promulgation of feasible, cost-effective means of doing so in the context of this rulemaking.

3. *Rely on in-use inspection and maintenance programs.* Successful inspection and maintenance (I/M) programs will result in most maladjusted vehicles being properly adjusted after they fail inspection tests. However, as owner-perceived deficiencies in vehicle performance may result in mechanics adjusting certain parameters (such as idle mixture) to a condition other than that specified by the manufacturer, it is reasonable to postulate that even vehicles subject to an I/M program may, to some degree, again be maladjusted fairly quickly after passing an I/M retest, if the vehicle owner is dissatisfied with the performance of his vehicle after the retest. In addition, certain other parameters (such as choke settings) cannot be checked in an I/M test at all. Hence I/M is not an alternative to the porposed action. This change in the regulations will buttress the effectiveness of I/M, and will make I/M more cost effective, by preventing maladjustments that I/M cannot catch and by making it less likely that cars passing an I/M retest will be again purposefully maladjusted.

IMPLEMENTATION OF PROPOSED ACTION

If the proposed action is taken, implementation would involve testing of certification emission data or SEA vehicles under adjustment conditions that are, from an emissions perspective, deemed by EPA to make it likely that the vehicle will fail to comply with the standards. The testing procedure for durability vehicles would not change since to do so would make achievement of the purpose of the durability vehicle impossible, i.e., the development of a deterioration factor that reflects the rate of change of emission control effectiveness. The procedure for determining a deterioration factor requires that a single test vehicle be representative of a particular engine-system combination that may encompass a number of different vehicle configurations which may, for reasons of optimizing performance and fuel economy, utilize varying engine calibrations. Therefore, it would be impractical to adjust the durability vehicle to a condition which would be representative of all of the vehicle configurations to which the deterioration factor would apply. For this reason, it is necessary to continue to employ the manufacturer's specifications in durability testing.

Adjustments by EPA prior to emissions testing may involve parameters on control systems such as the evaporative emission control system, ignition system, exhaust gas recirculation system, air injection system, fuel management system or others which could adversely affect emissions. The following is a list of specific parameters of immediate concern to EPA that have been identified in surveillance studies of in-use vehicles as being frequently maladjusted, or otherwise identified as having significant potential for maladjustment with concomitant increases in emissions:

1. Carburetion System—Idle mixture, idle speed, part (or full) throttle mixture, accilerator pump, fuel level adjustment (float) in fuel bowl, choke valve action (e.g., spring tension and vacuum pull-off adjustments), and dash pot (deceleration).
2. Fuel Injection System—Idle mixture, idle speed, injection timing, fuel pressure, full load fuel stop (Diesel), and adjustable sensors that can affect air fuel computation in electronic fuel injection.
3. Ignition System—Spark timing.

The purpose of listing these parameters is to provide guidance to interested parties regarding certain parameters that will be considered by EPA for adjustment prior to testing if this proposal is adopted. However, in order to retain the flexibility necessary to deal with future and as yet unidentified maladjustment problems, EPA proposes to retain the discretionary authority to adjust any adjustable parameter, prior to certification or SEA testing, that may result in emissions exceeding the standards.

DETERMINING WHICH PARAMETERS ARE ADJUSTABLE

The implemetation of the proposed action would require EPA make a determination regarding each certification emission data or SEA vehicle as to which vehicle parameters are considered to be adjustable. This determination will be based on EPA's evaluation of individual new vehicle's design, and on information submitted by the manufacturer.

The review and evaluation of adjustment limitation information and hardware provided by the manufacturers pursuant to these regulations could not properly be construed as a final determination of non-adjustability or an approval by EPA of the manufacturers' adjustment limiting designs. It would be the ultimate responsibility of manufacturers to assure that vehicles are designed and built with limitations on adjustable parameters that are of such a nature as to successfully assure that the limitations will not be generally exceeded in a manner that causes such vehicles to exceed emission standards during their useful lives.

Due to the many different basic types of parameters, the different available approaches to sealing or otherwise making the parameter inaccessible and the different configurations of the adjustable components, it appears to be impractical to define a general criterion that could be used in all possible situations to make the determination of whether a parameter is adjustable. Of particular difficulty to define is whether a parameter adjustment is sufficiently inaccessible as to be determined effectively non-adjustable for purposes of certification testing. For example, an idle mixture adjustment screw located in a recessed hole that is plugged with a hard-to-remove material, so that the carburetor or other major components would have to be removed before the plug can be drilled out to gain access to the screw, would be deemed to be sufficiently inaccessible. On the other hand, an idle adjustment screw located in the throat of the carburetor and readily accessible with mere removal of the air cleaner would not be deemed sufficiently inaccessible. There does not appear to be any good way to generically define what represents an adequate seal or precisely what constitutes a sufficiently inaccessible adjustment. Therefore, EPA proposes to base its determination of whether a parameter is adjustable upon technical evaluations of individual vehicle designs, results of the EPA in-use surveillance programs (and extrapolation of those results to similar new systems), and consideration of data provided by the manufacturer.

Although EPA could not propose a specific set of criteria for use in making determinations as to whether a parameter would be considered adjustable, general guidance can be provided regarding the adequacy of a range of specific methods which might be employed to render a parameter non-adjustable. The following examples have been chosen to provide such guidance through statements of EPA's evaluation of specific methods which may be employed to render a parameter non-adjustable.

(1) Idle Mixture Screw—The idle mixture would probably be considered to be non-adjustable if the idle mixture screw is recessed within the carburetor casting and sealed with lead, thermosetting plastic, or an inverted eliptical spacer, or sheared off after adjustment at the factory, in such a way that the adjustments cannot be accomplished in any of these circumstances with simple tools in a short time period (approximately one-half hour).

The idle mixture will be considered to be adjustable if the only deterrent to adjustment consists of a plastic cap placed over the idle mixture screw.

(2) Choke Bimetal Spring Cover—The choke mechanism will be considered to be nonadjustable if the plate covering the bimetal spring is riveted or welded in place, or held in place with nonreversible screws.

The choke will be considered to be adjustable if the plate covering the bimetal spring is merely held in place with screws which can be removed with the use of simple or inexpensive tools whether or not such tools are common or of special design.

(3) Elongating or Bending Adjustable Members—Parameters which may be adjusted by elongating or bending adjustable members (e.g., the choke vacuum break) will probably be considered nonadjustable if the elongation of the adjustable member is limited by design or, in the case of bendable members, is constructed of a material which when bent would return to its original shape after the force is removed (plastic or spring steel materials).

Parameters which may be adjusted by elongating or bending adjustable members will be considered to be adjustable.

While these examples do not encompass every possible adjustable parameter, or the many possible methods which could be employed to render an adjustment effectively nonadjustable, the guidance provided by these specific illustrations may be applied to many analogous situations. As further guidance it should be noted that any parameter meeting the following conditions would be considered adjustable: (1) the parameter was adjusted prior to the vehicle being delivered to the dealer and the adjustment mechanism was not disabled, (2) manufacturer service manuals or bulletins contain procedures for adjusting the parameter or statements indicating that it can be adjusted, or (3) the parameter can be adjusted quickly (in less than one half hour) and inexpensively (cost less than $20 including any replacement of parts) with the use of simple or inexpensive tools whether or not such tools are common or of special design. The general criteria to be used in determining whether a parameter is adjustable and whether an adjustment limiter is likely to be effective will be the reasonableness of expecting that such adjustment will be made on in-use vehicles in the hands of the public. Comments are specifically requested on these criteria.

WILL THE PARAMETER BE ADJUSTED PRIOR TO TESTING?

Even though EPA determines that a particular parameter is adjustable it does not necessarily follow that the parameter will be adjusted to a setting other than that recommended by the manufacturer prior to testing administered for purposes of certification or SEA. Further, the setting selected for SEA testing may be different than that used during certification testing. While EPA retains the discretionary authority to adjust any adjustable parameter prior to testing, EPA's decision regarding whether to adjust a particular parameter may, among other things, be made on the basis of its judgement of (1) the effect on emissions performance resulting from any deviation from the manufacturer's recommended setting, (2) the effect on vehicle driving performance, (3) the likelihood that similar adjustments will be made on in-use vehicles.

If EPA concludes that deviating from the manufacturer's recommended setting for a particular parameter, independently or in combination with adjustments of other parameters, will not adversely affect the emissions performance of the test vehicle, the vehicle will be tested with that parameter set to the manufacturer's recommended setting. However, if EPA concludes that deviating from the recommended setting will be likely to affect adversely the emissions performance of the vehicle the parameter may be adjusted to that setting which would be expected by EPA to result in the highest emissions. In deciding whether to make such adjustments prior to testing EPA may also take into consideration factors regarding the likelihood that similar adjustments will occur in the field (e.g., whether there exists any incentive to vehicle owners or service personnel to make such maladjustments).

WILL THE MANUFACTURER'S LIMITS BE EXCEEDED?

Once EPA has determined a parameter to be adjustable and decided to adjust the parameter to a setting other than that recommended by the manufacturer, an evaluation of the adequacy of any limits the manufacturer has placed on the physically adjustable range will be made. If EPA determines that the limit is likely, in practice, to preclude adjustments beyond the range defined by the manufacturer's limits, EPA will not exceed these limits when adjusting the parameter prior to testing. However, if EPA determines that the manufacturer's limits are not adequate to constrain adjustment of the parameter within the range defined by the manufacturer's limits, EPA may disregard or overcome the manufacturer's limits and set the adjustable parameter to some setting arrived at from considerations made in the preceding section.

Difficulties similar to those encountered when attempting to determine whether a parameter would be consid-

ered adjustable arise when attempting to determine whether the physical limits employed on an adjustable parameter are sufficient to prevent adjustment beyond the limits (i.e., there do not appear to be any general criteria that can be used to determine whether a limit is adequate). Therefore, guidance is provided by way of example in the following paragraphs regarding certain methods which EPA has determined constitute an adequate means of limiting the physically adjustable range.

A physical limit would generally be considered adequate provided that travel or rotation limits could not be exceeded with the use of simple and inexpensive tools (screwdriver, pliers, open-end or box wrenches, etc.) without incurring significant and costly damage to the vehicle or control system. Stops that can readily be broken off or otherwise eliminated without disabling the component's function may be broken off or otherwise overridden prior to certification or SEA testing. Limits on threaded adjustments would be considered adequate if the threads were terminated, pinned or crimped so as to prevent additional travel without breakage or need for costly repairs. A physical limit would be considered adequate if the adjustment were ineffective at the end of the limits of travel regardless of additional forces or torques applied to the adjustment.

For manufacturers who use these or similar solutions to limit adjustability, the determination is non-controversial. Not so clear would be the determinations of the situations which fall between the clearly adequate and the clearly inadequate extremes. Although such situations are expected to occur infrequently, the determination would have to be based on basic technical evaluation, results of the EPA in-use surveillance programs (and extrapolation of those results to similar new systems), and consideration of data provided by the manufacturer.

EPA believes that retaining substantial discretion to select the settings at which vehicles are tested, guided by the factors described above, is the best way to ensure that test vehicles meet emission standards in a state of adjustment that is likely to occur in vehicles in use. However, suggestions of any preferable methods of doing this are invited.

How Will the Proposed Action Affect the Manufacturers?

It is expected that manufacturers generally will eliminate adjustable parameters. At the time of manufacture of the vehicle they will set the parameters to the proper values, allowing for tolerance stack-up, and will then fix them in position. Assuming that these parameters are then either inaccessible or unadjustable, the vehicles would then be tested in only this one configuration. Some manufacturers may retain some parameter adjustability, but would effectively limit the physically adjustable range to values which would control emissions within the standards.

In designing their vehicles, manufacturers often make trade-offs among factors such as emissions, fuel economy, costs, and vehicle performance. The settings specified by a manufacturer for adjustable parameters will normally be those at which he has sufficient confidence that the vehicle will meet emission (and fuel economy) standards, without incurring more cost or sacrificing more vehicle performance than absolutely necessary. However, many mechanics believe that driver-perceived vehicle performance can be improved by changing one or more of the adjustable parameters. The manufacturer will under these regulations have a large incentive to fix or limit these parameters. This incentive arises from the fact that a manufacturer who fails to fix or limit these parameters runs a large risk of the vehicle failing to qualify for certification or failing a Selective Enforcement Audit when tested by EPA.

In the past some problems with vehicle driving performance may have been masked by service personnel inappropriately adjusting vehicle parameters to overcome problems with driving performance and ignoring the effects of the adjustment on emissions performance. Inasmuch as this action will deprive service personnel of this method of overcoming driving performance problems this action may, in some cases, result in the inability of service personnel to remedy driving performance problems. It is expected that the manufacturers will address those problems with driving performance as may exist by ensuring in the design of their vehicles that they perform adequately when adjusted to specifications.

Economic Impacts

Increased costs to new vehicles as a result of this action are expected to be negligible. A majority of new vehicles are already equipped with electronic ignition control systems, some manufacturers have already introduced electronic fuel-air management systems, and by the 1980 model year it is expected that much of the industry will have adopted to some degree electronics for emission and combustion control. Such systems, by design, limit parameter adjustability. Although use of advanced technology will make it easier for manufacturers to comply with the regulation, advanced technology is not required for compliance. Physical limits of adjustability should require little more than minor casting changes (estimated at about $0.50 per unit) and/or limiting pins or sealing/plugging strategies (estimated at about $0.20 each). An incremental cost of $3 per vehicle is estimated to be an extreme case for compliance in most cases. Consequently, no detailed Economic Impact Analysis has been prepared for this action.

This action will provide a more effective implementation of the existing regulatory intent that all vehicles meet the emission standards for their useful life. Fuel economy is expected to be improved over the useful life of these vehicles since the opportunity for maladjustments, which are generally to the detriment of fuel economy, will be limited by this regulation.

Environmental Impact

This change to the regulatory test procedure is intended to preserve the original intent of the testing procedure, and should result in a significant improvement in air quality.

Had this regulation been in effect for the 1975 model year vehicles, their contribution of CO emissions alone would have been reduced an average of about 11 grams per mile for the 1975 model year population, or 48%.

Request for Comments

(1) It is EPA's judgment that, in the past, some certified vehicles have exhibited less than optimum performance characteristics (poor idling, poor acceleration, difficulty in starting when cold). This is believed to have resulted in the field in adjustment of some emission-sensitive engine parameters in an attempt to improve driving performance. The promulgation of these regulations will make such adjustments much more difficult to accomplish. Therefore, it is expected that either (a) the manufacturers will take measures to ensure that their vehicles perform acceptably when adjusted to settings within the physically adjustable range or (b) there may be incidence of vehicle owners or members of the service industry attempting to improve driving performance by disabling emission control components.

Therefore, EPA requests comments regarding the manufacturer's ability to produce vehicles which conform to the proposed regulations and which will also retain acceptable driving performance throughout their useful life. Comments are also requested regarding any means which manufacturers might use to prevent disablement of emission control components.

(2) It is possible that limiting or eliminating the adjustability of certain vehicle parameters may, in some instances, increase maintenance costs. This may occur if, due to a manufacturer's inability to produce a vehicle which performs acceptably throughout its useful life, vehicle performance deteriorates such that early replacement of engine components is required. In the absence of the proposed regulations vehicle parameters might have been adjusted to compensate for the deterioration. However, with the implementation of the proposed regulation it will no longer be possible to correct performance deficiencies resulting from deterioration by simply adjusting vehicle parameters. EPA requests comments regarding the likelihood and magnitude of this impact on the automotive service industry.

(3) Comments are also requested regarding the effect which mileage accumulation in actual use might have on the driving performance and maintenance requirements of vehicles subject to these regulations (i.e., vehicles which have limited parameter adjustability).

(4) In view of the need to calibrate certain engine parameters to settings for vehicle operation in high altitudes dif-

ferent from those for low altitude operation, it is expected that there will be some need for a procedure by which vehicles produced for sale in low/high altitudes and subsequently relocated (e.g., as a result of the vehicle owner changing residence) to a high/low altitude region could be calibrated to perform properly in the new environment. Comments should address the technological and administrative problems associated with any recommended procedure for recalibrating vehicles which are relocated subsequent to original sale.

In addition, EPA is particularly interested in receiving comments regarding the estimated costs of complying with the proposed regulations.

Interested persons may participate in this rulemaking by submitting written comments to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460. All relevant material received within 60 days after the date of publication of this notice will be considered.

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, are intended to be promulgated as soon as practicable after such consideration, to be applicable no sooner than model year 1980 to light-duty vehicles and light-duty trucks.

Notice is hereby given that Subparts A and G of Part 86 of Title 40 of the Code of Federal Regulations are proposed to be revised as set forth below.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: October 11, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend 40 CFR Part 86 as follows:

1. In § 86.077-21, by adding new paragraphs (b)(1) (i) and (ii) as follows:

§ 86.077-21 Application for Certification.

* * * * *

(b) * * *

(1) * * *

(i) The manufacturer shall provide to the Administrator in the preliminary application for certification:

(A) A list of those parameters which are physically capable of being adjusted and that, if adjusted to settings other than the manufacturer's recommended setting, may affect emissions;

(B) A specification of the physically adjustable range of each such parameter as intended by the manufacturer;

(C) A description of the limits or stops used to establish the physically adjustable range of each adjustable parameter, or any other means used to inhibit adjustment;

(D) The nominal or recommended setting for each such parameter.

(ii) The manufacturer may provide, in the preliminary application for certification, information relating to why parameters are not expected to be adjusted in actual use. This may include results of any tests to determine the difficulty of gaining access to an adjustment or exceeding a limit as intended or recommended by the manufacturer.

(iii) The Administrator may require to be provided detailed drawings and descriptions of the various emission related components, and/or hardware samples of such components, for the purpose of making his determination of whether and how to adjust such components to settings other than those recommended by the manufacturer.

* * * * *

2. In § 86.077-29 by revising paragraphs (a)(3)(iii)(A) and (a)(3)(iii)(B)(1) to read as follows:

§ 86.077-29 Testing by the Administrator.

(a) * * *

(3) * * *

(iii)(A) The Administrator may adjust or cause to be adjusted any adjustable engine or vehicle parameters, to any settings within their physically adjustable range, prior to conducting any tests (other than tests conducted during durability testing) which are conducted to determine whether a vehicle or engine conforms to applicable emission standards. The Administrator, in making or specifying such adjustments, may consider the effect of the deviation from the manufacturer's recommended setting on emissions and other performance characteristics as well as the likelihood that similar adjustments will be made on in-use light-duty vehicles or light-duty trucks. In determining likelihood, the Administrator may consider factors such as, but not limited to, the difficulty and cost of making the adjustments, the need for and cost of special tools, damage to the vehicle or engine components in the event of any effort to make the adjustments, the need to replace parts following the adjustment, or surveillance information from similar in-use vehicles.

(B) * * *

(1) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to the parameter settings used in the original test or any other settings chosen by the Administrator, and other maintenance or repairs may be performed in accordance with § 86.077-25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

* * * * *

3. In § 86.608 by redesignating paragraph (b) to be paragraph (b)(1) and adding a new paragraph (b)(2) to read as follows:

§ 86.608 Test procedures.

* * * * *

(b)(1) * * *

(2) The Administrator may adjust or cause to be adjusted any adjustable engine or vehicle parameters, to any settings within their physically adjustable range prior to conducting any tests. The Administrator, in making or specifying such adjustments, may consider the effect of the deviation from the manufacturer's recommended setting on emissions and other performance characteristics as well as the likelihood that similar adjustments will be made on in-use light-duty vehicles. In determining likelihood, the Administrator may consider factors such as the difficulty and cost of making the adjustments, the need for and cost of special tools, damage to the vehicle or engine components in the event of any effort to make the adjustments, the need to replace parts following the adjustment or surveillance information from similar in-use vehicles.

* * * * *

(Secs. 206(a), 206(b) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7525(a), 7525(b), and 7601(a).)[1]

[FR Doc.77-30789 Filed 10-20-77;8:45 am]

[1] The U.S. Code classifications of the Clean Air Act were changed upon publication of the Clean Air Act Amendments of 1977, Pub. L. 95-95, 91 Stat. 685 (August 7, 1977). The former classifications of these sections were 42 U.S.C. 1857f-5(a), 1857f-5(b), and 1857g (a).

FRIDAY, OCTOBER 21, 1977
PART VII

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Delaware:	
DE77-3134	Sept. 30, 1977.
Florida:	
FL77-1091	July 8, 1977.
Hawaii:	
HI77-5087	Sept. 23, 1977.
Illinois:	
IL77-5038	April 8, 1977.
Indiana:	
IL77-5038	Do.
Michigan:	
IL77-5038	Do.
MI77-2125	Sept. 16, 1977.
MI77-2127	Sept. 2, 1977.
Minnesota:	
IL77-5038	Apr. 8, 1977.
Montana:	
MT77-5057	June 3, 1977.
MT77-5073	July 8, 1977.
Nevada:	
NV77-5072	Sept. 23, 1977.
NV77-5077; NV77-5089	July 22, 1977.
New Jersey:	
NJ77-3093	July 8, 1977.
New York:	
IL77-5038	Apr. 8, 1977.
Ohio:	
IL77-5038	Do.
Oklahoma:	
OK77-4273	Sept. 30, 1977.
Pennsylvania:	
IL77-5038	Apr. 8, 1977.
South Carolina:	
SC75-1038	Mar. 21, 1977.
Texas:	
TX77-4193; TX77-4197	Aug. 19, 1977.
TX77-4221; TX77-4222	Sept. 23, 1977.
TX77-4254; TX77-4256; TX77-4258; TX77-4265.	Sept. 30, 1977.
Utah:	
UT77-5075	Aug. 5, 1977.
West Virginia:	
WV77-3101	July 22, 1977.
Wisconsin:	
IL77-5038	Apr. 8, 1977.

SUPERSEDEAS DECISIONS TO GENERAL 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.

Texas:	
TX76-4196 (TX77-4289)	Dec. 28, 1976.

Signed at Washington, D.C., this 14th day of October 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #DE77-3134 - Mod. #1 (42 FR-52990 - September 30, 1977) State of Delaware					
Drop: Welders from Group 2 of Laborers on Building Construction for Kent & Sussex Counties					
Add: Welders to Group 3 of Laborers on Building Construction for Kent & Sussex Counties					
Change:					
Laborers - Building Construction:					
Kent & Sussex Counties:					
Group 1	$ 7.95	90	50		
Group 2	8 20	.90	50		
Group 3	8.45	90	50		
Group 4	9 20	90	.50		
Line Construction:					
Linemen & Cable Splicers	11 98	.45	3%		3/4 of 1%
Winch truck operators	8 34	.45	3%		3/4 of 1%
Truck Drivers	7 74	.45	3%		3/4 of 1%
Groundmen	7 12	.45	3%		3/4 of 1%
Plumbers & Steamfitters:					
Sussex & Kent (remainder of county) Counties	10.30	1.00	1.00	f	.05
Decision # FL77-1091 - Mod. # 3. (42 FR 35538 - July 8, 1977) Broward County, Florida.					
CHANGE:					
Electricians:					
Electricians	10.36	.65	3%+.40		1%
Cable splicers	10.88	.65	3%+.40		1%
DECISION #HI77-5087 - Mod. #1 (42 FR 48603 - September 23, 1977) Statewide Hawaii					
Change:					
Sheet Metal Workers	$10.50	$1.30	$2.21	.95	.45
Terrazzo Workers and Tile Setters	10.47	1.10	1.45		.10

MODIFICATIONS P 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. IL77-5038 - Mod. #3 (42 FR 18802 - April 8, 1977) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin.					
CHANGE:					
Drill Boats:					
Engineers	$10 57	63	50	c	
Blasters	10 71	63	50	c	
Firemen	10 17	63	50	c	
Drillers, Welders or Machinists	10 58	63	50	c	
Oilers	9.96	63	50	c	
FOOTNOTE:					
c 8 Paid Holidays: A through F plus washington's Birthday and Veterans' Day; 6 ½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 20 days of service in one calendar year					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
DECISION #MI77-2125 - Mod. #1 (42 FR 46892 - September 16, 1977 Statewide, Michigan					
CHANGE:					
Line Construction:					
Zone 1					
Linemen-Technician	$12.59	1.20	9%		½%
Cable Splicer	13.14	1.20	9%		½%
Combination Equip.-Opr.-Groundman	10.11	1.20	9%		½%
Combination Driver-Groundman	9.52	1.20	9%		½%
Groundman	8.77	1.20	9%		½%
DECISION #MI-2127 - Mod. #1 (42 FR 44450 - September 2, 1977) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan					
CHANGE:					
Line Construction - Wayne, Macomb, Oakland Counties; Remainder of Washtenaw & Monroe Counties:					
Linemen-Technician	12.59	1.20	9%		½%
Cable Splicers	13.14	1.20	9%		½%
Combination Equip.-Opr.-Groundman	10.11	1.20	9%		½%
Combination Driver-Groundman	9.52	1.20	9%		½%
Groundman	8.77	1.20	9%		½%

MODIFICATIONS P. 3

DECISION #MT77-5073 - Mod. # 1 (42 FR 37738 - July 22, 1977) Statewide, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
ELECTRICIANS:					
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties:					
Electricians	$10 97	40	3%+ 50		½%
Cable Splicers	11 42	40	3%+ 50		½%
Fergus, Petroleum and Wheatland Counties:					
Electrical contracts less than $30,000	7 65	40	3%		½%
Electrical contracts $30,000 or more	9 75	40	3%		½%
Park and Sweetgrass Counties	9 65	40	3%+ 50		½%
SHEET METAL WORKERS:					
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wilbaux, Treasure and Yellowstone Counties	9 755	46	3%+ 725		12
SPRINKLER FITTERS	10.42	.65	.97		.08

DECISION #MT77-5057 - Mod. # 5 (42 FR 28769 - June 3, 1977) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana					
Change:					
SHEET METAL WORKERS:					
Gallatin and Valley Counties	$9 755	46	3%+ 725		12
Sprinkler Fitters	10 42	65	97		08

MODIFICATIONS P. 4

DECISION #NV77-5077 - Mod. #2 (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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Asbestos Workers:					
Elko, Eureka, White Pine Counties	$11 46	.59	$1.20		
Carpenters:					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties					
Carpenters	11 15	.70	1.16		.05
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11 30	70	1 16		05
Piledrivermen	11 35	.70	1 16		05
Millwrights	11 75	70	1 16		.05
Drywall Installers:					
Statewide except the Counties of Clark, Esmeralda County (south of Hwy #6), Lincoln, Nye County (south of Hwy #6)	11.40	.70	1 16		05
Sheet Metal Workers:					
Remaining Counties and Nye County (north half)	10 89	1.04	2 13		05
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	13 67	.93	1 61		12

DECISION #NV77-5072 - Mod. #4 (42 FR 35562 - July 8, 1977) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Plumbers; Steamfitters	$11.53	$1.25	$2.32	$1.85	.08

DECISION #NV77-5089 - Mod. #1 (42 FR48665 - September 23, 1977) Washoe County, Nevada					
Change:					
Carpenters	$9 24	70	$1 16		05
Drywall Installer	11 40	70	1 16		.05
Sheet Metal Workers	10 89	1 04	2 13		05

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
DECISION #NJ 77-3093 - Mod. #3 (42 FR-35567 - July 8, 1977) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, & Warren Counties, New Jersey					
Changes:					
PAINTERS:					
ZONE 4					
Commercial & Industrial	$ 9.85	90	1 75	.50	
Sprayers, Tapers, Coverers, & Spacklers	9.80	90	1 75	50	
Paperhangers	10.00	90	1.75	.50	
All extension ladder work 36' high or over, scaffold work, structural steel, tanks, bridges, towers, smoke stacks, radio towers, television towers, flag poles (steel or wood), fire escapes from top to bottom, cable work & hazardous work	11 00	.90	1 75	.50	
Sandblasting & Spraying	11.00	.90	1.75	.50	
DECISION NO. OK77-4273 - Mod. 01 42 FR 53091 - September 30, 1977 Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole, and Pottawatomie Counties, Oklahoma.					
CHANGE:					
CARPENTERS - ZONE IV					
Carpenters	$8.20	.45	.25		.02
Millwrights-Piledrivermen	9 025	45	.25		02
Decision No. SC75-1038 Mod. #3 (40 FR 1295 - March 21, 1975 Greenville County, South Carolina					
CHANGE:					
Sprinkler Fitters	4.93				
DECISION #TX77-4193 - Mod. 02 (42 FR 42121 - August 19, 1977) Bexar County, Texas					
Changes:					
Carpenters: Carpenters	$ 8.48	.48	.40	.40	.05
Millwrights	8.79	.48	.40	.40	.05
Ironworkers	8.15	.55	1.00	.50	.07
Laborers - Group 1	5.46	.33	.40		.05
Group 2	5.71	.33	.40		.05
Group 3	5.81	.33	.40		.05

MODIFICATIONS P 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #TX77-4197 - Mod. 02 (42 FR 42127 - August 19, 1977) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
Changes:					
Electricians:					
Zone 1 - Electricians	10 53	.60	7%		7/10%
Cable splicers	10.78	.60	7%		7/10%
DECISION #TX77-4221 - Mod. 02 (42 FR 48723 - September 23, 1977) Travis County, Texas					
Changes:					
Carpenters: Carpenters	9.81	.48	.40		.04
Millwrights	10 06	.48	.40		.04
Ironworkers	9.45	.55	1.00		.12
DECISION #TX77-4222 - Mod. 03 (42 FR 48725 - September 23, 1977) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Changes:					
Ironworkers	9.45	.55	1.00		.12
DECISION #TX77-4254 - Mod. 02 (42 FR 53150 - September 30, 1977) Bee, Kleberg & Nueces Cos., Texas					
Changes:					
Carpenters	7.74	.51	.30		.05
Cement masons	8.50				
Ironworkers	7.92	.55	1.00		.07
Soft floor layers	7.74	.51	.30		.05
DECISION #TX77-4256 - Mod. 02 (42 FR 53154 - September 30, 1977) Brazos County, Texas					
Changes:					
Plumbers	$11.17	.65	.70		.12
Sheet metal workers	10 52	.275	.645	.42	.06
DECISION #TX77-4258 - Mod. 02 (42 FR 53158 - September 30, 1977) Galveston & Harris Cos., Texas					
Changes:					
Plumbers - Harris Co.	11.17	65	.70		.12
Sheet metal workers-Harris Co.	10.52	.275	645	.42	.06

MODIFICATIONS P 7

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #TX77-4265 - Mod. #2						
(42 FR 53169 - September 30, 1977)						
Wichita County, Texas						
Change:						
Laborers - Group 1		$ 5.145	.275	.27		
Group 2		5.27	.275	.27		
Group 3		5.395	.275	.27		
Group 4		5.645	.275	.27		
DECISION #UT77-5075 - Mod. #2						
(42 FR 39884 - August 5, 1977)						
Statewide Utah						
Change:						
Asbestos Workers		$11 56	59	$1.20		
Brick Tenders		8 72	40	35		
Elevator Constructors		10 555	.745	.56	3% + a	.025
Elevator Constructors' Helpers		7 39	745	56	3% + a	025
Elevator Constructors' Helpers (Prob)		5.28				
Laborers:						
Building Construction:						
Group 1: General laborer						
Heavy and Highway Construction:						
Group 1: General laborer						
Power Equipment Operators:						
Heavy and Highway Construction:						
	AREA 1	AREA 2				
Group 2	$8 49	$9 49	.90	1 705	.95	.14
Group 3	8 84	9 84	.90	1 705	.95	.14
Group 4	9,02	10 02	.90	1 705	95	14
Group 4-A	9 13	10 13	.90	1 705	.95	14
Group 5	9 13	10 13	90	1 705	.95	.14
Group 6	9 59	10 59	90	1 705	.95	14
Group 7	9 74	10 74	.90	1 705	.95	14
Group 7-A	9 85	10 85	.90	1 705	.95	.14
Group 8	10 15	11 15	.90	1 705	95	.14
Group 8-A	10 21	11 21	.90	1.705	.95	14
Group 9	10 27	11 27	.90	1 705	95	14
Group 10	10 43	11 43	90	1 705	95	14
Group 11	10 87	11 87	90	1 705	95	14
Group 11-A	11 83	12 83	90	1 705	95	14
Group 11-B	12 28	13 28	90	1 705	.95	14
Group 12	12 44	13.44	90	1 705	95	.14
Steel Erection:		BASE RATE				
Group 1		9 69	90	1 705	95	14
Group 2		10 10	.90	1 705	95	14
Group 3		11 19	90	1.705	95	14
Group 4		11 34	.90	1 705	.95	14
Group 4-A		11 65	90	1 705	.95	.14
Group 5		12 17	90	1 705	95	.14
Group 6		12 61	.90	1 705	95	.14
Group 6-A		13 22	.90	1 705	.95	14
Group 7		14 31	.90	1.705	.95	.14

MODIFICATIONS P. 8

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT77-5075 (Cont'd):						
Change (Cont'd):						
Power Equipment Operators (Cont'd):						
Piledriving:						
Group 1-A		$9 18	90	$1 705	95	14
Group 1-B		9 55	.90	1 705	95	.14
Group 1-C		9 78	90	1 705	95	14
Group 2-A		9 78	90	1 705	95	14
Group 2-B		10 60	90	1 705	95	14
Group 3		10 92	90	1 705	95	14
Group 3-A		11 36	90	1 705	95	14
Group 4		11 73	90	1 705	95	14
Group 5		12 11	90	1 705	95	14
Group 6		13 27	90	1 705	95	14
Omit						
Power Equipment Operators:						
Heavy and Highway Construction:						
Omit Group 1.						
Change:						
Refrigeration and Air Conditioning		10 75	.51	1 00		05
Truck Drivers:	AREA 1	AREA 2				
Dump Trucks - Water level capacity (bottom, end and side) (including Dumpster Trucks, Euclid type trucks, Turnawagons, Turnarockers and Dumpcrete);						
Less than 8 yds	$8.65	$10.15	.58	75	$1 00	.10
8 yds. and less than 14 yds	8.80	10 30	58	75	1 00	10
14 yds and less than 35 yds.	8.95	10.45	.58	.75	1 00	.10
35 yds. and less than 55 yds.	9 15	10 65	.58	.75	1 00	.10
55 yds and less than 75 yds	9.35	10 85	.58	.75	1.00	.10
75 yds and less than 95 yds.	9 55	11 05	.58	.75	1 00	.10
95 yds and less than 105 yds	9 75	11 25	.58	.75	1 00	.10
105 yds. and less than 130 yds	9 87	11 37	.58	75	1 00	.10
130 cu yds and over to be paid one-half cent ($ 005) per cu yds capacity per hour in addition to rate for 105 yds. and less than 130 yds						

MODIFICATIONS P. 9

DECISION #UT77-5075 (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
Truck Drivers (Cont'd):	AREA 1	AREA 2				
Flat rack trucks, Bulk cement trucks, Transport trucks, Semi-Trailer (carrying capacity):						
Pickup	8.475	9.975	.58	75	1.00	.10
Less than 10 tons	8.55	10.05	.58	75	1 00	.10
10 tons and less than 15 tons	8 70	10 20	.58	75	1.00	.10
15 tons and less than 20 tons	8 80	10 30	58	.75	1 00	.10
20 tons and over	8.95	10.45	.58	.75	1 00	10
Transit Mix Trucks:						
4-1/2 yds. capacity	8.675	10.175	.58	.75	1.00	.10
Over 4-1/2 yds. to and including 6-1/2 yds. capacity	$8 775	$10 275	.58	.75	$1.00	.10
Over 6-1/2 yds. capacity	8.875	10 375	.58	75	1 00	10
Concrete Pumping Trucks	8 875	10 375	.58	.75	1 00	.10
Water, Fuel and Oil Tank Trucks:						
Less than 1200 gals.	8.525	10 025	.58	.75	1.00	.10
1200 gals. to less than 2500 gals	8.65	10.15	.58	.75	1.00	.10
2500 gals. to less than 4000 gals	8.80	10.30	.58	.75	1 00	.10
4000 gals. to less than 6000 gals.	9 10	10.60	.58	.75	1.00	.10
6000 gals. to less than 10,000 gals. gals.	9.35	10.85	.58	.75	1.00	.10
10,000 gals. to less than 15,000 gals.	9.60	11.10	.58	.75	1.00	.10
15,000 gals. to less than 20,000 gals.	9.85	11.35	.58	.75	1.00	.10
20,000 gals. to less than 25,000 gals.	10.10	11.60	.58	.75	1.00	.10
2500 gals. and over	10.35	11.85	.58	.75	1.00	.10
Oiler Spreader Operator (on single man operation where Boot Man is not required	9.35	10.85	.58	.75	1.00	.10

MODIFICATIONS P. 10

DECISION #UT77-5075 (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
	AREA 1	AREA 2				
Truck Drivers (Cont'd):						
Construction Job Servicemen:						
Telescopic Manlift Truck	$8.85	$10.35	.58	.75	$1 00	.10
Fork Lift (Under tons) and Straddle Truck	8.85	10 35	.58	.75	1 00	.10
Chauffeurs	8 425	9.925	.58	.75	1.00	.10
Warehousemen (Counter Clerk)	8.60	10 10	.58	75	1.00	.10
Washers	8.625	10.125	.58	.75	1 00	.10
Tireman and Greaser	9.05	10 55	.58	.75	1.00	10
Gas station attendants	8.475	9.975	.58	.75	1.00	10
Fork lift (over 6 tons)	8.95	10.55	.58	.75	1.00	.10
Teamster mechanic	9 66	11 16	.58	.75	1.00	.10
Teamster welder	9.66	11.16	.58	.75	1.00	.10
Teamster driving two horses	9.425	10.925	.58	.75	1 00	.10
Teamster driving three or more horses	9.525	11 025	.58	.75	1 00	.10
Sweeper or vacuum truck	8.80	10 30	.58	75	1 00	10

MODIFICATIONS P 11

DECISION WV77-3101 - Mod. #4
(42 FR 37773 - July 22, 1977)
State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas & Preston
West Virginia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Bricklayers, Stone Masons, Marble Masons, Terrazzo Workers & Tile Layers					
Area 3	$ 9 00				
Carpenters & Piledrivermen:					
Area 3					
Carpenters	10 05	87	85		02
Soft Floor Layers:					
Area 1	10 05	87	85		02
Drop:					
Elevator Constructors:					
All areas					
Add:					
Elevator Constructors:					
Brooke, Hancock, Marshall Ohio Counties:					
Mechanics	10 08	545	35	b + c	02
Helpers	7 06	545	35	b + c	02
Probationary Helpers	5 04				
Boone, Clay, Fayette, Kanawha, Jackson, Lincoln, Putnam & Roane Counties:					
Mechanics	10 66	545	35	b + c	02
Helpers	7 46	545	35	B + c	02
Probationary Helpers	5 33				
Cabell, Mason & Wayne Counties:					
Mechanics	11 465	745	35	b + c	02
Helpers	8 025	745	35	b + c	02
Probationary Helpers	5 73				
Monongalia County:					
Mechanics	10 98	745	56	b + c	025
Helpers	7 69	745	56	b + c	025
Probationary Helpers	5 49				

FOOTNOTES:
b Paid Holidays; A through F
c Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Harrison
DECISION NO.: TX77-4289 DATE: Date of Publication
Supersedes Decision No. TX76-4196, dated December 28, 1976, in 41 FR 56601.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures, with walk-in access for the purpose of housing persons, machinery, equipment or supplies; includes in all construction of such structures, the installation inside the building of utilities & equipment, both above & below ground level, as well as excavation & foundation; includes site preparation & incidental paving & utilities outside the building

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$10.03	40	.76		.025
BOILERMAKERS	10 00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.25		.25		
CARPENTERS	6.59				
CEMENT MASONS	8.00				
ELECTRICIANS:					
Electricians	9.05	.60	3%		1/4%
Cable splicers	9.45	.60	3%		1/4%
GLAZIERS	5.15				
IRONWORKERS	6.88				
LABORERS:					
Laborers	3.21				
Mason tenders	4.15				
Plasterers' tenders	4.75				
LATHERS	8.95	.40	.20		
PAINTERS:					
GROUP 1 - Journeymen painters, paperhangers, hand rollers & tools used for cleaning	5.155				
GROUP 2 - Window jack or window sill; Sand tape & floating	5.275				
GROUP 3 - Swing stage; Spray & sandblasting; Sign painting; Steel swing stage, boatswain's chair, brush	5.65				
GROUP 4 - Steam cleaning, buffing, burners & torches	6.90				
GROUP 5 - Steel brush	5.40				
GROUP 6 - Steel swing stage, boatswain's chair, spray & sandblasting	7.65				
PLASTERERS	8.075				
PLUMBERS & PIPEFITTERS	7.60				
ROOFERS	8.10				
SHEET METAL WORKERS	9.945	3%+.45	.66		.055
SPRINKLER FITTERS	11.15	.65	.95		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX77-4289

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr.-Tr
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.79	.40	.875		.10
GROUP 2	8.575	.40	.875		.10
GROUP 3	8.975	.40	.875		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment

GROUP 3 - Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Pordson type backhoe; Derrick, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic

[FR Doc.77-30517 Filed 10-20-77;8:45 am]